

Government Orders

[Translation]

Mr. François Langlois (Bellechasse, BQ): Madam Speaker, I am pleased to rise on behalf of the official opposition to discuss Bill C-78, which was just tabled by the solicitor general.

It is somewhat surprising that, for all intents and purposes, Bill C-78 is similar to a bill considered by the House on September 26, namely Bill C-206, which introduced by the hon. member for Scarborough West and given first reading on February 1.

Indeed, a comparison of both bills shows that there is very little difference between Bill C-78, which is before us today, and Bill C-206, which has already gone through second reading in this House.

The only changes that I could find, and they are not major, are that compensation of witnesses may be better under bill C-78. Also—and to my mind this is not an improvement—under this bill, the RCMP commissioner will now have to make the necessary arrangements with witnesses, or their counsel, to ensure their protection. Under Bill C-206, as considered on September 26, the solicitor general had the authority to reach agreements with witnesses. That, of course, made it easier, under our parliamentary system, to ensure control of government activities through ministerial accountability.

This, I feel, is an issue which the committee will have to look at again. In terms of the principles involved, there is not much difference between the solicitor general's position and the one which I express on behalf of the official opposition. Nevertheless, we will have to take another look at this issue and decide who should be responsible for the arrangements made. I understand that it can be argued that the RCMP commissioner is ultimately accountable to the solicitor general who, in turn, is accountable to this House, which means that the House will have a say in the process. I will come back to this point.

• (1035)

Before getting into the heart of the matter, I would like to begin by stating that the contribution by the hon. member for Scarborough West, not only in introducing Bill C-206 but also in taking part in all aspects of the work of Parliament, particularly in the justice and legal affairs committee, ought to ensure that he will have the opportunity in the very near future of having his point of view heard on legal issues within that committee.

Now, having made that remark, and having voiced these few reservations, I must, nevertheless, express my pleasure at the care the government has taken with this issue of witness

protection. I believe that the government's wishes will result in a change in Canadian law.

We must admit that we lagged considerably behind our American neighbours, who have had witness protection legislation applying to all 50 states of the union for 25 years now. That legislation is well known by the general public, which is thus aware of its rights.

Here, we do have some legislation in this regard, but it is not as well known and is administered by the RCMP in some cases, by the OPP or the Sûreté du Québec in others, but always sporadically and piecemeal, which does nothing to help the general public understand the system.

In a law-abiding society, I do not believe that we can settle for a piecemeal approach, with decisions depending on the whims of whoever is responsible for policing at a specific time. I feel that instead we need to have legislation that will apply all across Canada and will therefore incorporate in the rules of law those principles we wish to be seen in our public law. This will improve the situation of witnesses, particularly in criminal cases, and more particularly in cases involving serious crimes.

It is my opinion that this will put an end to the application, in a sometimes sequential manner and without any controls, though it was done in good faith, of procedures about which there might be witness confusion as to which policies apply to them. From now on it will be clear, and attorneys will be able to inform witnesses of the protection programs available to them by law. This transparency in application of the law cannot help but be beneficial to the community at large.

As I just pointed out, there should be one set of criteria for everyone, and the public should be aware of those criteria.

Now, how should witness protection be structured and how should it be monitored? Should the courts monitor witness protection or should it be left up to the RCMP commissioner or the minister?

Some will probably argue that monitoring by the courts would involve a certain amount of publicity which may not be desirable in this case, because often the purpose of the witness protection program is to allow the witness, who has put his life on the line many times, to hide behind a new identity so that he can start a new life.

If there is monitoring by the judiciary, every precaution must be taken to avoid undue publicity or releasing names, which could be disastrous and even do the opposite of what the bill introduced by the government is intended to do.