

*Measures Against Crime*

our federal institutions how they will look upon this kind of proposal as being workable in their own situation. Again, one can only assume that these ministers have indeed been extremely poorly advised.

**An hon. Member:** That's not right.

**Mr. MacDonald (Egmont):** I hope the minister has time to study the bill, because that is the way I read it. If that is not the case I would be delighted to have that clarified at the committee. Perhaps the hon. minister would agree with me that there is in this bill an automatic doubling from five to ten years.

**Mr. Allmand:** It is possible, but that is the maximum.

**Mr. MacDonald (Egmont):** That is the maximum, but I wonder why it is put in there. I do not think you change the laws just for the fun of doing it. I hope you do not.

**Mr. Allmand:** There is no automatic loss of remission.

**Mr. MacDonald (Egmont):** That is one thing that can certainly be clarified in committee, and I am very glad to hear that. I am disturbed by the import. I would ask the minister seriously, and I refer to what I said earlier, why there is this sleight of hand creating these illusions? Why say it is not automatic but is just raising the limit; for what reason? I think the sleight of hand the minister is engaged in is very dangerous and I am going to tell him a little later why I think so.

I have been impressed, and I hope the ministers have been as well, by the information coming forward from the Law Reform Commission. I do not like to use this term because it is not quite fair in describing the Law Reform Commission, but it seems to me that the government has created a kind of monster. The government makes a move in one direction to take what I consider a reactionary and non-productive posture in respect of our criminal justice system, while the Law Reform Commission moves in another direction and suggests that we look seriously at what we have been doing with our criminal justice system in the last 25 to 30 years.

The Law Reform Commission tells us in its recent report that we have one of the most punishment-oriented systems in the western world. Surely the Solicitor General cannot be happy with that situation.

**Mr. Allmand:** The Law Reform Commission approved of the program a few weeks ago.

**Mr. MacDonald (Egmont):** I am not sure which program the minister is referring to.

**Mr. Allmand:** The Chairman was asked about it at the justice committee a few weeks ago and he said he approved of this program.

**Mr. MacDonald (Egmont):** I will read the testimony later, but at this time I can only judge by the report the Commission has put forward.

The government seems to be taking a punitive approach, increasing sentences of offenders, as the proper solution, whereas the Law Reform Commission tells us that the only countries which have been having success and improve-

[Mr. MacDonald (Egmont).]

ment in reforming the criminal justice system have been those going in exactly the opposite direction. I will say a word or two about that in a second.

It is my belief that the basis of the problem here is that the legislative proposal is founded on false premises. I think I have some understanding why this is, and I am sorry the Minister of Justice is not here because I do not like to be challenging some of the things he has said in his speech without giving him some opportunity to respond.

The operative word the minister uses in introducing this legislation is an interesting one. It is not one I expected to hear from the mouth of the Minister of Justice. I might have expected to hear it from somebody in my profession, which is the clergy, because we like to use this word "concern". It is a good sort of theological word which implies some sort of moral suasion or commitment.

The Minister of Justice, who is responsible for the administration of justice in this country, talks about getting at this problem which has been a matter of public concern, and I am really using the words he used in his speech, "of public concern." I am concerned about this word "concern", because this is not a precise term. It is rather a reflection of a feeling, an anxiety or a fear.

It had been my hope that the minister, in introducing this legislation, would have brought forward a bill that responded to factual situations and not to some kind of ill-defined concern, anxiety or fear that individual people in small numbers or in large numbers may have. We know that in the volatile times in which we live anxieties can be generated very quickly, sometimes founded on legitimate issues but at other times falsely perceived and falsely understood. I do not think it is good enough for the Minister of Justice or any other person to say that this kind of peace and security measure in large part responds to "concerns."

● (1630)

I was very much disturbed while reading the document entitled "The Highlights of the Peace and Security Program". In certain instances it talks about dealing with the kind of concerns that people have. I cannot find the part here which I wish to quote. In the introductory part it talks about public concerns. It talks about the impression that certain violent crimes have over-all on the appreciation of society of how the criminal justice system works. I do wish to quote, however, from a recent article which I would commend to the ministers.

Two gentlemen, Waller and Chan, in an article entitled "Prison Use; A Canadian and International Comparison", compared trends in the use of prisons in various countries from 1910 to 1970. There is a market fluctuation, and they state:

We should point out that these dates appear to refute the hypothesis that the use of imprisonment remains constant over time.

Tying this in with the Law Reform Commission's stand about the misuse of the criminal law, it has been noted historically that countries in times of social unease tend to pass laws which encroach more and more on the liberty of the individual. That is, the arm of the law reaches farther into the background of actions leading to an actual crime.