

Government Orders

execute a Canadian who is incarcerated for trial on homicide offences.

I have no trouble with that, as long as we do not have capital punishment on the books here. That is not to say that I have changed my view on the need for capital punishment in Canada. But since we do not have it, I respect Canadian law and I respect it being applied to Canadians who might commit violent crimes in the United States and being able to ask the American government not to execute them if they are found guilty. I can live with that without any trouble at all.

I think it needs to be said that this bill has been a long time in coming. We have been working on this collectively in committees and in the House, with three different Ministers of Justice, and finally a justice minister has brought forward a bill which means, in essence, that if an American comes up here and commits a crime in Canada and we sentence him to life in jail for the crime that he commits in Canada, we now can, according to the treaty, release during sentence and send that person back to the United States. It is important because we would want it as a benefit for us if it went the other way.

That is one thing in the bill which never was in the act before. The act said "they shall serve" their sentence. The NDP said it wanted this amendment at one point in time—and I referred to that earlier—and I have been fighting for it for seven years. I felt that prison guards and law enforcement officers would be at risk if an American was incarcerated for a minor offence, one who was wanted for the death penalty back in the United States. The only thing he could do in order to stay in Canada for the rest of his natural life would be to kill a prison guard, and then the act says "he shall serve out his sentence".

I do not go for preambles and understandings and white papers and intent, I like to see it in the act. That is a great accomplishment in this bill, that if someone like Ng gets up here and kills someone, he will not have to serve out his entire life sentence in Canada.

There have been a number of things said about what is needed in the bill. The Minister of Justice very recently, as a witness before the all-party standing committee,

itemized for the benefit of the committee members what she is studying and intends to table in this House during this sitting of Parliament.

First, the redefining of extraditable offences. That would be a great step forward in shortening the requests for extradition, if we had defined what is extraditable.

Second, the consolidation of the Extradition Act and the Fugitive Offenders Act, which has been referred to in this House many times.

• (1120)

The third one is codifying pre-hearing procedures including arrest of person sought, commencement of proceedings and judicial interim release.

Fourth, codifying procedures and evidentiary rules at the hearing.

Fifth, specifying safeguards to be considered as grounds for refusal of surrender by the minister.

Sixth, in providing for postponement of surrender or temporary surrender where the person is wanted on Canadian charges which provides a more elaborate framework than what was being proposed for the amendment of section 24.

The other important thing that we have been able to accomplish in this extradition bill is to have, while we still had that opportunity to spend \$1.5 million on Ng, we still have that ruling from the Supreme Court of Canada that we can now send back as a final court of appeal, someone who is requested to be extradited back to the United States if it has the death penalty there.

That will remove a lot of the options open for appeal. What the minister has in this bill is two guaranteed steps at which her points on extradition and whether she wants to release them or not could be intervened at the second hearing. If that appeal hearing in the provincial court carries that the person shall be extradited, then all they have in their third step is a leave to appeal to the Supreme Court of Canada.

This is cutting the process from nine hearings before to two now. The minister joins in at the appeal stage of the first hearing and a possible third before the Supreme Court.