

*Application of Federal Laws*

development of management information systems; the collection of operational information, especially that relating to jurisdictional and sectoral expenditures and staff complement; that the deputy ministers in the justice field, together with the Chief Statistician of Canada, constitute a justice information council to establish the objectives of, and formulate policies and priorities for, an agency which should be responsible for developing national statistics and information. Also it set out the series of steps it saw as necessary to accomplish those goals.

Following the acceptance in principle of the recommendations of the NPRC, working groups were constituted of provincial and federal officials with specialized subject matter knowledge of the different sectors of criminal and civil justice statistics and information. These working groups have prepared program outlines which, when accepted by provincial jurisdictions, should provide mechanisms for the timely gathering of the necessary information in a comparable format.

Consideration is being given to the system of setting up a centre for justice statistics which will be a satellite of Statistics Canada to handle this work efficiently and effectively. The main task of the proposed centre would be to assemble, distribute and publish justice statistics derived from the responsible jurisdictions. The submitting jurisdictions, whether they be provinces or territories, would have the responsibility to provide the needed information in an agreed format and at an appropriate time. To aid the provinces and territories in setting mechanisms in place, the proposed centre would also provide a technical assistance service for the first few years. This service would be needed only until each submitting jurisdiction has developed a satisfactory mechanism and the essential information is found to be flowing smoothly.

These steps had to be instituted to correct the deplorable position to which I alluded earlier. Some very good examples of this were given by the hon. member who spoke last. The centre for justice statistics will be carefully evaluated over a three-year period to ensure that it is reaching its objective. It may, however, not be possible even after three years of intensive work to provide all the information needed by members of the House and the public to have a satisfactory appreciation of the justice system in Canada. Nor will the needs of policymakers and program managers be satisfied within the first three years. Indeed, it seems likely that the complexity of the work to be undertaken will require at least five years before we have the types of information so urgently required.

But the complexity of this task must not deter us from undertaking it. In particular, we have an urgent need for information that can assist us in a fundamental review of the Criminal Code which the ministers of justice, in co-operation with the solicitors general and provincial ministers responsible for criminal justice, will be undertaking shortly based on past and current work of the Law Reform Commission of Canada. Accordingly, selected research work will be undertaken with the co-operation of the provinces in the short term to provide information to support this work.

But the major point I wish to make this afternoon is that this very fundamental work must be undertaken before we will be in a position to reach conclusions about the extent of disparity as distinct from the extent of variation in the application of federal laws in Canada. While we do have some information—and other hon. members have made reference to it—it seems apparent we are not presently in a position to draw the kind of fundamental conclusions which some critics of the criminal justice system might draw. This is not a recipe for complacency; far from it. I have outlined some of the plans of the federal and provincial ministers responsible for criminal justice for remedying this lack of information.

I would also mention in this context the work of the national task force on the administration of justice to which reference was made earlier. In addition federal and provincial ministers responsible for criminal justice, as well as their deputy ministers, meet on a regular basis to review issues of joint concern in this field of shared responsibility. Similarly, the commissioners of uniform law gather on an annual basis to discuss many of the issues which bear on the basis of the motion before us today.

The elaboration of this intergovernmental machinery of co-ordination and co-operation has come about only in the past decade or so, with the exception of the uniformity commissioners. The increasing degree of co-operation between orders of government in this important field is evidence of the fact that clear recognition is given to the need to eliminate unjustified disparity in so far as possible within the judicial system of Canada. That this should be the case is not surprising. The central place of criminal law and criminal justice in our society, the need to ensure equality of access to the law and equality of treatment before the law, are principles of fundamental importance to all Canadians.

I have briefly mentioned the fundamental review of the criminal law which will shortly be undertaken under the leadership of the Minister of Justice (Mr. Chrétien). It is my understanding that this review will examine fundamental questions such as those raised by the hon. member in his motion in the sense that principles and objectives of sentencing will be the subject of intensive examination, as will all other aspects of Canadian criminal law. The kinds of concerns raised during this discussion will no doubt be taken into account by those responsible for carrying out this review.

The last point I should like to make in this connection concerns the role of the courts themselves in eliminating unwarranted disparity in sentencing. While it is true that no basic principles on sentencing appear in the Criminal Code itself and that general principles such as those indicating that "the punishment should fit the crime", or that the sentence should be broadly proportionate to the harm done, are so general in their nature as to be unhelpful in predicting precise sentences in individual cases, hon. members are no doubt aware of the fact that specific sentencing principles about what should be taken into account when sentencing an offender have been set out in leading cases from jurisdiction to jurisdiction in Canada.