

*Government Orders*

appropriate timing and in a usable way to businesses and individuals who could otherwise benefit from them.

I would like my colleague from the Bloc to share his thoughts with me on this.

**Mr. Rocheleau:** Mr. Speaker, I have to agree with my colleague that transmission of information gives rise to another kind of problem.

On the one hand, there is so much government intervention, and on the other hand, the system is so complicated that even the government does not have the tools to deliver the information.

Small business has to pay to set up a system whereby the information first goes through its tax expert, its accountant, who will hopefully make sure the information goes around. Such systems seem to work in a vacuum.

In a sense, government and small business are essentially parallel organizations. They are like two different worlds that can only meet from time to time, according to the goodwill, the ability, the dedication and maybe also the fees of the specialists hired by the companies.

Speaking of harassment, it seems that business is at the service of the government. In our economic system, things should be different, since the government is supposed to be at the service of the business community. There are undoubtedly changes to be made and we might begin by decreasing government interference in business management. That would go a long way to resolve many problems.

**The Deputy Speaker:** As no hon. member wishes to take the floor, is the House ready for the question?

**Some hon. members:** Agreed.

**The Deputy Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

[*English*]

(Motion agreed to, bill read the second time and referred to a committee.)

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• (1250)

**CRIMINAL CODE**

**Hon. Allan Rock (Minister of Justice and Attorney General of Canada)** moved that Bill C-8, an act to amend the Criminal Code and the Fisheries Protection Act (force), be read the second time and referred to a committee.

He said: Mr. Speaker, with the introduction of Bill C-8 the government proposes an amendment to section 25 of the Crimi-

nal Code that will bring to culmination a process of reform that started as long ago as 1969 with recommendations of the Ouimet committee.

The subject of this amendment is the use of force by peace officers in dealing with persons who take flight in order to avoid arrest. In short, the proposed amendment will first of all recognize the right of peace officers to resort to force in such circumstances, including such force as may occasion death or grievous bodily harm to the person to be arrested.

Second, it will introduce an element of proportionality between the threat of harm posed by the fleeing person and the degree of force that is permitted by law.

Third, it will extend the concept of permissible force such as is reasonable in the circumstances to persons who perform similar duties on behalf of the public, including prison guards and those peace officers who attempt to stop foreign fishing vessels that are alleged to be breaching Canadian law.

In introducing second reading of this bill, I would like to deal with three matters which the House may find useful as it embarks upon its considerations.

First, the manifest unsuitability of the present section of the Criminal Code that deals with matters of this kind. Second, the process of consultation in which the government and the previous government engaged in order to bring forth these proposals. Third, the particulars of the amendment that is proposed that commend the amendment to the government and, I hope, to all members of this House.

Let me first deal with the present state of the Criminal Code so far as it deals with the use of force by peace officers to detain persons who are fleeing to escape arrest. The provision is now found in section 25(4) of the Criminal Code of Canada and is known broadly as the fleeing felon rule. Indeed, the antiquity of that name itself indicates the time that has elapsed since we have methodically thought through the appropriateness of the present regime.

The concept of course is quite sound. The concept is as sound today as it was when the provision was first enacted. It is appropriate for the legislature to acknowledge and give authority to the need for peace officers to use such force as is reasonably necessary to protect themselves and members of the public when confronted with a person who is fleeing to avoid lawful arrest.

The fact of the matter is that the present section of the code is overly broad. It discloses on its face a lack of the kind of proportionality that legislatures and courts have worked toward in more recent enactments. For example, on its face the existing section of the code would permit an officer to use deadly force to detain someone who was fleeing to avoid arrest for shoplifting.