If I were cynical, I would define correctional law as the set of written or implicit rules which allow criminals to serve the shortest possible sentence in the best conditions. Behind its functional aspects, correctional law refers to the allocation, by public authorities, of maximum resources to reduce the sentences handed down by the courts.

Our so–called correctional law is based on a set of laws and regulations more elaborate than our criminal law. We have developed a very sophisticated administrative legal system for the benefit of criminals.

Criminals who go to jail enjoy the protection of a true charter of rights and freedoms for convicted offenders. In fact, the correctional system abides by the following principle: the sentence is now calculated based upon the duration of the total reduction. The prisoner knows about this.

All the efforts made by the prisoner, often with the help of correctional officers, aim at changing the length of his sentence. It is a well–known fact that prisons are full of converted and born–again Christians just waiting for parole.

A life sentence should mean imprisonment until the death of the inmate, but the average citizen has come to understand that, by some work of fiction, it now means a minimum of 25 years before parole. But this is where he is wrong. In fact, a life sentence can mean 25, 15 or 10 years depending upon the inmate's eligibility for parole. And this is when the average citizen lets you know that he has had enough.

So, I understand how frustrated the hon. member for York–South–Weston feels, but I do not think that the minor amendment he is proposing will change anything in the system. I even think that striking down section 745 of the Criminal Code would do more harm than keeping it.

What we find appalling in the parole system is the philosophy behind it, the costs and the aberrations, but mostly the discretion given to the sentencing courts, despite all the information it has about the crime and the criminal.

Actually, the sentencing court is in the best position to evaluate the individual and the crimes he has been found guilty of. The sentence is contemporaneous with the offense.

Do you really believe that, 15 years after the sentencing, a civil servant would be in a better position that the court to determine if the decision was justified? Or that because of changes in his personal outlook, the criminal no longer deserves the punishment imposed for acts for which he remains responsible, despite the passage of time? Tell that to the relatives of murder victims.

In these circumstances, whether a sentence is exemplary is very much a matter of opinion. In the end, the principle of immutability and the usefulness of sentences as a deterrent should prevail over all the nebulous theories of liberal criminology.

• (1845)

Under its existing provisions, the Criminal Code provides for a judicial review mechanism, which seems appropriate.

In every case where the inmate has served 15 years of his sentence after being found guilty of murder, he will have to convince a jury that he should be released before his ineligibility period expires. If he is not successful, he will have to serve his full sentence.

Personally, I am more inclined to trust the judgment of six or a dozen ordinary citizens than that of a commissioner of the National Parole Board, whose qualifications are strictly based on his political past.

The statistics I obtained from the Department of Justice tend to confirm my opinion and put into context the relatively small number of individuals concerned by section 745.

Since the 1976 amendments and up to March 31, 1994, only 128 inmates across Canada were able to apply for a judicial review under section 745. Only 71 actually applied, and 43 requests were heard.

Before looking at the conclusions, we should remember we are discussing the cases of about fifty people. We are looking at legislation that is aimed at a very small group. I want to make it very clear that I do not understand the relevance of the bill standing in the name of the hon. member for York South–Weston.

As for the outcome of these hearings, I think we can conclude that the system works quite well. As a matter of fact, of the 43 applications heard to date, and again I repeat that this number covers the 28 years since the introduction of section 745, 11 were turned down, 13 have led to a partial reduction of the number of years of imprisonment without eligibility for parole and 19 have been successful.

Thus it seems to me that the system is working relatively well. This is why I think we should end the discussion immediately since we are discussing situations so rare that I feel I am wasting my time.

Must we remind the House that in case of murder the rule is still life imprisonment?

Finally, section 745 allows any inmate guilty of a murder of either category, first or second degree murder, to apply for a reduction in the number of years of imprisonment without eligibility for parole. The bill proposes to abolish this section.

In other words, imprisonment without any possibility of parole.