

Private Members' Business

country believe that that particular person should have a right to vote while he is in prison.

I would hope that the members of this House, the members of Parliament, would endorse the principle which has been longstanding in our system of justice, that depriving a prisoner of his or her right to vote is part of the criminal sentence, that this is a reasonable thing, that it is something that we need to carry on, that if we do not carry it on we have to beg the question then who is running the country? Is it those who have been convicted of serious criminal offences and are imprisoned as a result of that, or is it those who have been good law-abiding citizens, citizens of whom Madam Justice Van Camp spoke when she said: "The state has a role in preserving itself by the symbolic exclusion of criminals from the right to vote for the lawmakers. So also the exclusion of the criminal from the right to vote reinforces the concept of a decent responsible citizenry essential for a liberal democracy".

I applaud and I echo those comments of Madam Justice Van Camp.

I would like to move that, notwithstanding any Standing Orders or the usual practices of the House, Bill C-340, an act to amend the Canada Elections Act (disqualifications of electors), be referred after second reading to the justice committee. I would hope to have a seconder for that motion. I believe the hon. member for Medicine Hat will second that motion.

Mr. Murphy: Madam Speaker, I rise on a point of order. I am curious whether or not it is in order for the member to move a motion on his own bill.

Madam Deputy Speaker: I thank the hon. member for Churchill. I was about to rise and ask if there was unanimous consent for the change to this bill which the hon. member is suggesting, that it be referred to the justice committee instead of to a legislative committee in the Departmental envelope.

Would there be unanimous consent?

Mr. Murphy: Madam Speaker, there is not unanimous consent. A committee of the House is already looking at this very matter. It is the Special Committee on Electoral Reform chaired by the chief government Whip.

Madam Deputy Speaker: Consequently the motion remains as read earlier.

Mr. Peter Milliken (Kingston and the Islands): Madam Speaker, I am pleased to rise to participate in the debate on this very interesting and I suggest controversial bill the hon. member has introduced in the House today.

I am a member of the committee to which the hon. member for Churchill just referred. I confirm his view that this whole issue is being studied by that committee at the present time.

The committee will in due course be submitting a report to the House on the issue, as I am sure the hon. member is aware. It certainly will consider the views expressed by the hon. member in his speech and in the bill he has tabled before the House.

However, I want to make a few observations about the bill. I am rather surprised he brought it forward because surely in the course of his work and preparation of the bill he must have studied the decisions of the courts in this country that have pronounced on the validity of the existing provisions on the Canada Elections Act which currently deny to inmates in federal prisons the right to vote. I refer him to section 51 of the Canada Elections Act which reads:

The following persons are not qualified to vote at an election and shall not vote at an election:

(e) every person undergoing punishment as an inmate in a penal institution for the commission of any offence.

In considering the validity of this particular provision the courts have made judgments on the issue. He has said that the Supreme Court of Canada has not yet pronounced on it. I understand that is the case, but the fact is that we have two judgments from very senior courts in Canada which have pronounced on the issue. One is the judgment of the Federal Court of Canada in the *Queen v. Belczowski*, which was heard in Edmonton in January of this year and the decision handed down in February. In that case the Federal Court of Appeal unanimously found that the section violated the Canadian Charter of Rights and Freedoms.

There was a similar decision in the Ontario Court of Appeal in the case of *Sauvé v. the Attorney General of Canada*, the Chief Electoral Officer of Canada and the Solicitor General of Canada. Again in that case the