

Private Members' Business

numerous young males. Guess what he got? Nine months. That is a tough one.

A 30-year old father attempted to get his nine-year old daughter to touch his penis and he in turn attempted to have intercourse with her. Investigation revealed he had taken photographs of other young girls in his basement. A quantity of pornographic material was seized. He received a real toughy, a suspended sentence and probation.

A 16-year old male sexually assaulted an 11-year old female neighbour. He took photographs of her in various sexual poses including sexual intercourse. When arrested he had several *Penthouse* magazines—I did not say hard core, blue pornography, I said *Penthouse* magazines—in his possession. He got two years probation.

It seems to me that we have something on our hands right at this moment in terms of the penal system where we could start to get serious, where we could take people who are giving lifetime sentences to these children. These pedophiles are fouling up the lives of their victims for their lifetimes.

Surely our court can do better than giving the pedophile all of two years, or suspended, or probation or whatever the case may be. It is already in our hands. We can go ahead and do something. That is a second issue.

The first issue is the registry. The second issue is the sentencing grid. As the revenue critic, I support the efforts of Canada Customs in its interdiction of pornographic material. In the research I did there is a very clear connection between pornography and particularly the way pornography is used.

I mentioned *Penthouse* magazine that you will find in your friendly neighbourhood Mac's Milk or 7-Eleven store. There is a very clear connection between these things. I suggest to civil libertarians who are always talking about freedom of speech and expression that there must be a first priority and that is the protection of children in this society.

I thank you, Mr. Speaker for the opportunity to intervene on this. I feel very strongly about this. We can look at pornography, keep it under control, look at the registry and finally the sentencing grid to show that we can be serious with the tool that we have in hand right now.

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I have listened very carefully to the speeches that have been made here today concerning this very important question. I think that they have been very good. I commend the member for Brampton for bringing this subject matter forward today.

The intention behind the motion of the hon. member is very helpful. In proposing action by the government to exert greater control over sex offenders, particularly pedophiles, she is reflecting a concern shared by most Canadians.

A few days before introducing this motion the hon. member held a press conference in Brampton jointly with one of her constituents and announced that a public petition in support of her motion was being circulated. I also commend the member for Brampton for attempting to go beyond generalities by imposing a mechanism that might increase our power to incarcerate dangerous pedophiles.

In this case she proposes giving the National Parole Board the authority to enforce the long term incarceration of offenders whom it feels may reoffend. In my view that is where the practical problem lies. I do not believe that the National Parole Board is the proper body to determine what should be done with an offender after he or she completes their sentence. Nor do I believe that it is a simple matter, legally, to prolong the detention of an individual when he or she has served the entire sentence imposed by the court. The problem is with our Constitution.

● (1425)

Many say that the charter is a problem in a lot of areas. Maybe in some things it is very binding. However in this case there is a very good reason for this charter protection, and necessary if we are to maintain a proper judicial system in this country.

When someone goes to court they are innocent until proven guilty. They are heard. Both sides of the case are presented. Then the person is determined innocent or guilty and, if guilty, a sentence is imposed. Once that sentence is imposed that is the punishment for that individual for that crime. That sentence has been imposed by a court that has heard all aspects of the case.

If we are to say before the person is released at the end of that sentence imposed by the court that this sentence should be extended then we are extending the sentence arbitrarily without due process of law in violation of overturning what the courts have set down.

That is very important. That is not to minimize what is attempted in this motion. There are better ways of doing it.

The parole board is not to be the vehicle for determining law and order in Canada. It has a specific function. That function is well defined. The parole board knows it and is perfectly competent to do it.

We can do two very important things. This is what is being examined by the Department of Justice at the present time. The first is instead of extending the sentence and imposing a further legal period of incarceration that we should instead have the person toward the end of their sentence examined by medical experts, particularly psychiatrists, to determine whether this person is medically fit to go out into society.