

well, and that all cases of unwarrantable disparity are, in fact, caught at the appeal stage and rectified. Nonetheless, the strong impression is gained from what information we do have that in general terms sentencing in Canada is a just, equitable, and fair process for the offender; and that the needs of the community are being well balanced against those of offenders. The judges are regularly considering among themselves the principles of sentencing and the factors they take into account in each case. The police report of the crime; the evidence brought out in court; the defence plea in mitigation of sentence; the pre-sentence report on the background and circumstances of the offender; the judge's perceptions of community requirements and local conditions: all these combine to give an appropriate balance in the final process of sentencing. The judges have, and rightly so, a wide discretion in sentencing. They are given a great deal of information on which to exercise that discretion and, if they err in principle, senior judges wait in the appeal court to correct any errors.

I feel, Mr. Speaker, that the Canadian criminal justice system is far from being unjust, unfair or capricious, but is rather a fine example of the common law tradition of equality before the law, of fairness, and of the appropriate balancing of competing interests by the principled exercise of judicial discretion. Indeed, we have much for which to be grateful to our criminal court judges.

**Mr. Bruce Lonsdale (Timiskaming):** Mr. Speaker, I would like to continue the discussion along the lines of some of the comments the hon. member for York South-Weston (Mrs. Appolloni) was making. However, first of all, I want to congratulate the hon. member for Vaudreuil (Mr. Herbert) for bringing to the attention of the House the question of the need for consistency and equality before the law for all Canadians.

The particular aspect of this subject on which I would like to concentrate this afternoon is the extent to which we are equipped to reach any conclusions on this important question. Earlier speeches have pointed to the important distinction which must be drawn between justified discretion in order to reflect local and regional differences, an unjustified disparity which leads to injustice and unfairness. Some statistics, mostly gathered by the national task force on the administration of justice, or by Statistics Canada, have been cited in this regard.

● (1720)

The point I should like to make this afternoon is one that has been made repeatedly over many years. The present state of criminal justice information and statistics in Canada makes it extremely difficult, if not impossible, to reach any valid or reliable conclusions on this question.

As long ago as 1938 the Archambault commission recommended:

A complete revision of the method of preparing statistical information.

It went on to recommend:

Provisions should be made for uniformity of statistical information in regard to all phases of the administration of the criminal law—

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Some 31 years later, the report of the Canadian Committee on Corrections commented:

In Canada as elsewhere the official statistics on crime are an uncertain measure of the actual number of crimes or the characteristics of offenders.

The commission went on to note:

Unreliable reporting is not confined to victims but may be found at each official level. Individual police officers and police districts may report inaccurately or incompletely to their headquarters, which may in turn distort the figures through their own reporting practices. Similarly, court officials responsible for recording data and sending in reports may make incomplete or inexact returns to the central body compiling the statistics. The reader of the final published statistics usually has no empirical basis for assessing reliability. He cannot tell, for instance, whether a reported increment results from more actual crime, more efficient law enforcement, more zealous reporting, better record keeping, or some combination of these.

In its 1976 Report on Dispositions and Sentences in the Criminal Process, the Law Reform Commission of Canada summed up the problems resulting from the continuing lack of national statistics with respect to criminal justice in the following words:

The state of statistics and information on the nature of crime and the administration of justice in Canada is simply deplorable. There is a clear agreement on this situation even by those charged with the collection and dissemination of data. Dispositions and sentences are especially vulnerable, since these now depend largely on beliefs on what are effective measures against criminal acts. The public, legislators, administrators, and judges are largely at the mercy of hunches in assessing the total picture of crime, and are forced to rely on their personal work experience. There are a great number of myths and misunderstandings in areas such as bail, leniency and sentencing and release on parole. Even where data are available they are not published in a form or with sufficient speed to check assumptions, mitigate exaggerations, or even more important, indicate pressure points and identify reasons for crises.

The continuing concern about this state of affairs on the part of both provincial and federal ministers responsible for criminal justice has resulted in a number of efforts to remedy the situation. Most recently, federal and provincial governments established the National Project on Resource Co-ordination for Justice Statistics and Information. This group reported in May 1980 the following:

In Canada, nationwide information about crime is so fragmented, unreliable, untimely and varied that it is impossible to state, with any reasonable degree of confidence, conclusions about the state of crime or the justice system of the nation.

The report went on to outline a number of efforts which have been made in the past decade with respect to the broad problem of inadequate justice information and statistics, a problem which in large part derives from the split jurisdictions and fragmented nature of the criminal justice system in Canada. This was ably described by the hon. member who just spoke about the varying degrees of sentences, varying cases, and the mitigating circumstances surrounding decisions of judges in the terms of penalties they impose.

The national project on resource co-ordination went on to suggest the establishment of a Statistics Canada satellite in order to meet the needs for information which had been identified. The report recommended that all justice ministers and their deputies in each jurisdiction in Canada make a commitment and an appropriate allocation of resources to support and encourage the development of national justice statistics which are comprehensive, accurate and timely; the