

*Private Members' Business*

ness and I am pleased that this bill will have a free vote in the House of Commons.

As I said earlier, I am convinced that it will pass. Not only does section 745 demean the value of life and create a terrible imbalance in our criminal justice system, but it is costing Canadian taxpayers millions upon millions of dollars for these applications to come forward, an estimated \$4 million a year over the next 15 years. I believe that is a low estimate, given the fact that those who will be applying will be using legal aid lawyers.

• (1835)

This bill is supported by CAVEAT, the Victims of Violence, the Canadian Police Association and, I would submit, the overwhelming majority of Canadians. I cannot accept the views of the bleeding hearts. I suppose we will hear from some bleeding hearts here in the House who say that 25 years is cruel and unusual punishment.

Those who argue that 15 years is a sufficient period of time for first degree murder, I suggest that they are sadly mistaken or misguided. There are those who will argue as well that those convicted of first degree murder will not reoffend.

I present this statistic for consideration. Between 1975 and 1986, there were 130 murders committed by people who were released on parole. Ninety of those were murder and 40 were manslaughter. Anyone who suggests that people who are released on parole are unlikely to reoffend and commit murder refer to these statistics which were put out by the Ministry of the Solicitor General.

In closing, I urge my colleagues on all sides of the House to support the bill at second reading. In so doing, it will be referred to the justice committee which will then provide an opportunity for all Canadians, various interest groups and others to come forward and present their views.

When the bill comes back to the House I hope and I expect it will be passed, resulting in a major correction of a flaw in the criminal justice system.

[*Translation*]

**Mrs. Pierrette Venne (Saint-Hubert, B.Q.):** Mr. Speaker, in 1976, the federal government amended the Criminal Code to make it consistent with its parole legislation and policy. It replaced the death sentence, which had just been abolished, by life sentence for murder.

The Liberal philosophy, to which the hon. member for York South—Weston would never have subscribed, was inspired at the time by the general principles of humanism. In 1976, the criminal was looked upon first and foremost as a victim of society in general, of his social group in particular and even of himself. His crime was above all a social act. Irrespective of the harm done, criminals were treated like the casualties of the

system, individuals who had to be saved even at the expense of common sense.

We must now recognize that such noble principles overlooked certain realities. The system had come to consider all criminals, that it to say individuals convicted by a court for an offence against a criminal law, as the first victims of their actions. Our parole legislation is a product of this thinking.

Once the judicial drama is over, you deal with the real stuff. As soon as the court has passed sentence, the correctional system takes charge of the individual behind closed doors, whether in an institution or in an in camera sitting of the parole board. Regardless of the work of the court, the correctional administration undertakes to assess the criminal and to establish how much of the sentence he or she will actually serve. And all of this under the cover of a big word: rehabilitation.

The entire system is predicated on this concept that the public does not look upon favourably, an argument put forward by criminologists, these crime philosophers. In a word, the concept of rehabilitation is defined as an act of pity on the part of society towards criminals perceived no longer as individuals responsible for their faults but rather as victims of an ill-accepted social environment.

Therefore, crime no longer being a real crime, the criminal is no longer a real criminal, and a quiet reintegration into society is supposed to serve the public interest.

• (1840)

Even if the court feels that an individual is beyond redemption, Parole Board and correctional system officials will, in their ivory tower, decide to set that person free when he should have been kept in jail.

Even if they admit that an individual is the sole responsible for his crime, these so-called rehabilitation experts firmly believe that criminals can be rehabilitated. It is time we set the record straight.

Our criminal law is based on the responsibility of the individual. I realize that many hold less pragmatic views on the Canadian criminal law, but let me say to these philosophers that, in our judicial system, positive law still takes precedence over moods, which is certainly a good thing. Consequently, an individual who has committed a murder will be handed down the mandatory sentence provided by the law and by the law only. That is the reality.

The general public thinks that murderers are jailed for at least 25 years. This is what the law provides. However, along with our common law system, a new law full of subtleties, nuances and surprises has developed. The public does not know about it, because this new law is, more often than not, applied in an absolutely discretionary manner by crown agencies. There is now such a thing as correctional law.