

Public Order Act, 1970

this matter. I say this in all seriousness. Whatever the views of hon. members may be about the death penalty, I urge the committee to reject this amendment because Parliament is not addressing itself to the general subject at the moment and I do not think these are the appropriate circumstances in which to deal with so fundamental a subject.

Mr. Horner: Mr. Chairman, may I ask the minister a question? He intimated that he would answer me. Will he explain to the committee what is meant by the term "life imprisonment"? Is it not a fact that on the average life imprisonment in the past has meant about ten years' imprisonment, and not more? Could he just explain that term fully, so that we may understand it?

Mr. Turner (Ottawa-Carleton): It is a mandatory punishment—

Mr. Horner: Would the minister repeat that? I did not quite catch him.

Mr. Turner (Ottawa-Carleton): It is mandatory in the case of non-capital murder. The sentence can only be commuted or the prisoner can only be paroled, as I understand it, by Order in Council. It is not automatic. I feel I ought to mention, that the offence of treason, as set out in section 46 of the Criminal Code, I think, carries with it the death penalty.

Mr. Horner: Mr. Chairman, is it not correct to say that life imprisonment on the average in the past has meant a sentence of ten years' imprisonment or thereabouts?

Mr. Turner (Ottawa-Carleton): No.

Mr. Horner: Does the minister say it means more than ten years? I notice that he shakes his head negatively. His gesture will not appear on the record. I have described it for the record. Will he say whether life imprisonment means ten years, more than ten years, or less?

Mr. Turner (Ottawa-Carleton): Before there is parole in the case of non-capital murder, an Order in Council has to be passed. Parole is not automatic.

Mr. Horner: But after what length of time, on the average, has the Order in Council been made effective in the past?

Mr. Turner (Ottawa-Carleton): I cannot give the hon. gentleman that information.

Mr. Horner: I suggest that the period has been less than ten years.

Mr. Turner (Ottawa-Carleton): I think the hon. gentleman is wrong.

Mr. Horner: Then why has the minister not said so before?

The Deputy Chairman: Order, please. The hon. member for Crowfoot was seeking the floor for the purpose of asking a question and not for the purpose of starting a debate.

[Mr. Turner (Ottawa-Carleton).]

Mr. Thompson: Mr. Chairman, I do not want to prolong this discussion but I wish to say that I think the Minister of Justice is being just a little unfair when he insists that this amendment relates to a general, over-all debate on capital punishment. It does not. We undertook a little research during the general debate on capital punishment, and throughout 1966 and 1967, and learned that life imprisonment has meant a sentence of about eight years, five months and two days. That has been the average sentence over the last 30 or 40 years. The amendment seeks to deal with an emergency situation and it relates to the very essence of the bill we are now considering.

There is no attempt on our part to open up a general debate on capital punishment. We are merely trying to provide a deterrent and to enact adequate punishment for the crime we are considering in this crisis. The Minister of Justice refuted his own argument when he told us that treason is punishable by capital punishment. If his argument holds water, treason ought not to be included so far as capital punishment is concerned. The Minister of Justice tried to leave the impression that the amendment was endeavouring to reopen the whole debate on capital punishment. As I said, this amendment is merely to provide an adequate deterrent and an adequate punishment for the crimes we are considering in this temporary emergency measure. Let that be clear.

The Deputy Chairman: Is the committee ready for the question?

Mr. Roy (Timmins): Mr. Chairman, almost from the beginning of the debate on this amendment I had made up my mind to vote in favour of it.

Mr. Peters: That is not surprising.

Mr. Roy (Timmins): But if I vote for the amendment—and I want to make sure my remarks are on record—it will not be because of the idiotic drivel spoken by the hon. member for Crowfoot. As a matter of fact, Mr. Chairman, his remarks disgusted me to the extent that I almost wanted to vote against the amendment.

Some hon. Members: Hear, hear!

Mr. Horner: How often is the hon. member in the House? He is practically a stranger.

Mr. Woolliams: Mr. Chairman, since we are dealing with the question of penalty I wish to draw certain matters to the attention of the committee. One of the things that struck me throughout the entire tragic incident of the death of Mr. Laporte was that the police received very little information. I think the reason will become apparent when one analyses the Criminal Code.

The offences of capital murder and non-capital murder carry the same penalty of life imprisonment, and that is where the problem lies. We created the difficulty when we made certain changes in the Criminal Code of Canada. For instance, if a police officer asks a citizen to assist him in an arrest when there is a riot or violence, the person so asked must come to the aid of the police officer and if he fails to do so he is guilty of an indictable