

application the fugitive may appeal the habeas corpus decision. Therefore appeals from habeas corpus applications are not necessarily precluded by virtue of the proposed amendment.

• (1730 )

Instead of facilitating extradition, Bill C-210 could result in fugitives being freed because the Crown also is left without the ability to appeal a habeas corpus decision. This could occur due to the fact that any arguments based on the Charter of Rights may be raised for the first time at the application for habeas corpus.

A judge at an extradition hearing does not have the authority to consider such arguments, given the nature of the proceedings. Consequently, if an error is made concerning a charter issue, or other legal issue, the appeals would not be available.

On one hand, if an error is made in favour of the fugitive, the fugitive may be released without any possibility of appeal by the Crown other than to the Supreme Court of Canada, if leave is granted by the court.

Of course, the fugitive might very well have left the country by the time the case is heard. Fugitives may be inappropriately released according to Bill C-210. On the other hand, if an error is made in favour of the Crown, the Minister of Justice may be faced with ordering the extradition of a fugitive on the basis of a questionable judicial decision.

By trying to plug a hole in the dike, Bill C-210 knocks down the dike. I trust that I have exposed the dangers in proceeding immediately with piecemeal amendments of limited effect to the extradition process such as Bill C-210.

It would be a grave error to adopt the bill which is not, unfortunately, what it seems and which, when closely examined, has unintended adverse effects. The bill in its present form is inadequate. It raises serious constitutional questions and is ineffective in streamlining the appeal process. Unattended ripple effects will undo the benefits the bill is trying to achieve.

In view of the complex nature of the appeal process for there to be sound and effective legislation, a comprehensive review which would fully examine all of the ramifications is required.

#### *Private Members' Business*

I am advised there is a comprehensive review currently under way which is considering a broad range of issues including, as its first priority, the means to streamline the present appeal process. In view of the ongoing review, it would be a mistake to adopt the bill now. It will not accomplish what it sets out to achieve.

**Mr. Derek Blackburn (Brant):** Mr. Speaker, I will be very brief. I just have a few remarks to make.

The previous speaker has simply vindicated the position of the New Democratic Party on this bill. We have not been standing in our place arguing against the government's attempt to get Ng back into the United States.

We do not want people like Ng to remain in Canada, but we have said consistently that this bill is just bad law. That is all there is to it. It is bad law. It is a bad bill that is badly written.

Frankly, I think it should be withdrawn.

What we have asked for in this Chamber is for the Minister of Justice to expedite her processes in her department to bring forward to this House a bill that is not only constitutional, but that is workable. That is what we want, and that is what we have been arguing.

The hon. member for Peterborough has tried to use this bill for cheap political purposes. He has tried to spread the word across the country that the New Democratic Party is soft on alleged criminals like Ng. That is what he has done consistently. He said that in committee, elsewhere and in this House.

What we are asking for is better legislation. If the hon. member for Peterborough wants this bill to go to committee, fine. He can have it today. I am going to sit down in about 30 seconds, and I hope nobody else stands up. We will let it go on division, but if you want to vote, fine.

I think the hon. member for Peterborough and the hon. member for Erie know now that it is a bad bill. It is badly written, and it should be withdrawn.

I am asking at this point in time if the hon. member for Erie, who spoke a few moments ago, is prepared on behalf of the hon. member for Peterborough to withdraw this bill. His own party wants him to withdraw it. His