

*Criminal Code*

● (1530)

Essentially, this is a very simple piece of legislation before the House today. It allows for freedom of expression and thought. It allows criminals, sentenced to five years or more and now free, to express themselves but deters them from profiting from the crime.

The argument that the Criminal Code does not allow for compensation can be answered by saying that we should presume a lawful society and that crime is not profitable. There are precedents where people who committed robberies were paid for the value of the goods stolen, so the Criminal Code does make some provision for compensation. While it does not take into consideration the moral, physical or psychological wounds inflicted on victims, it is one of the fundamental bases of the law that in the past society has always believed that the victim of crime has not received the just attention of Government and that the person who commits the crime ought not to be allowed to profit. Our elementary school children tell us that crime does not pay because that is what we teach them; it is a fundamental truth of our society. Yet today, some crimes do pay when the story is written. Unfortunately, the more heinous the crime, as in the case of Clifford Robert Olson who killed many teenagers in British Columbia, the more the publicity that attends it. That offers the greatest opportunity for profit. What a foul system we would have if the result of the worst crime imaginable was profit; how objectionable that concept would be.

I should like to offer two short thoughts in closing, Mr. Speaker. The first is that justice must not only be done, it must be seen to be done. People everywhere believe that we should not profit from crime. Second, because Private Members are only accorded one hour for their Bills, my time will be up at 4.15 p.m. Central Time. I hope that Members will allow the Bill to go to committee. I know there is agreement for this concept on all sides of the House and amendments could be introduced to broaden or to shrink the provisions.

I know that the Minister of Justice (Mr. MacGuigan) is considering ways of achieving the same thing so let us not talk the Bill out. If we do, we side with those who believe that crime should pay. That idea would be unacceptable to Canadians. We all want a system where crime does not pay.

**Mr. John Evans (Ottawa Centre):** Mr. Speaker, this afternoon we are considering a Bill introduced by the Hon. Member for Crowfoot (Mr. Malone) concerning profits derived from crime. I must say at the outset that I have a great deal of sympathy for the position he puts forward. I think very few Members do not sympathize with the views he has expressed this afternoon.

As the Hon. Member has stated in the explanatory note attached to his Bill, his objective is as follows:

To prevent persons convicted of serious offences from realizing financial gains based on the notoriety surrounding their offences and thereby making a mockery of the criminal justice system.

The explanatory note to the Bill goes on to state:

Any profits accruing from personal appearances, media interviews or published writings would be recoverable by the provincial Attorney General, to be used for compensating victims of crime or for diverting others from criminal activities.

It is clear that the genesis of the Bill with which we are concerned today is the publicity surrounding the unspeakable murders committed in British Columbia just over a year ago. These crimes, which have led to expressions of outrage and disgust all across Canada, have understandably directed attention to the issue this Bill attempts to address. The perpetrator, Clifford Olson, has clearly stated his intention of further capitalizing on these unspeakable acts by publishing a book about them—an act that will obviously give rise to further grief and pain to the survivors of his victims.

Last autumn, the publication in Quebec of a book by one of those convicted of the murder of Pierre Laporte reinforced public attention on this issue.

In the spring of 1982, the Solicitor General (Mr. Kaplan) asserted his "opposition to criminals benefiting from their crimes; particularly from financial proceeds that could be realized from the publication of the details of their crimes". The Minister went on to indicate that possible changes to the Criminal Code were being examined in this respect in order to "prevent the miscreant from profiting from his actions, and to attack the glorification of crime through the reduction of sensational publicity". At that time the Solicitor General noted that constitutional questions involving both division of powers between the federal and provincial Governments and the Charter of Rights would have to be given careful study in the context of an examination of these options.

Since that time, work has indeed been done with respect to the various possibilities that would appear to be available. The complexity of the issues involved, identified by the Solicitor General as long ago as last May, have been remarked upon by all those who have examined this question. It is in the context of a careful consideration of the values and principles involved that we must assess the proposal put forward and the legislation we are discussing this afternoon.

While I am sure that all Hon. Members share the sense of revulsion that arises as a result of the spectacle of a convicted murderer further exploiting his victims and society at large through commercial gains stemming from publication of accounts of those crimes, it is incumbent upon us to ensure that any action we might contemplate in response to this sense of revulsion does not result in unintended, unforeseen and undesirable effects.

In examining the question raised so clearly by Bill C-664, and other suggestions similar to it, it is my contention that we must clearly identify and distinguish the various issues involved. An examination of press reports, letters to the editor, correspondence that I am sure other Members have received on the issue, and so on, reveals, it seems to me, two principal objectives which are not necessarily in harmony. The first of these objectives is that articulated in the explanatory note in Bill C-664, namely, the prevention of the evident unfairness in