

Criminal Law Amendments

Reform Commission recommendation to be adopted by this House with respect to criminal legislation. No one could ever accuse the Law Reform Commission of being a red-neck body. It is a commission which is dedicated to civil liberties. It saw a vacuum which could be created at the time when the writs of assistance were disposed of. So it put in this very sensible mechanism which, on the one hand, will balance the interests of the state and, on the other hand, will give the protection which all of us desire with respect to warrants.

● (1540)

I am going to speak very briefly about two other matters in terms of the administration of justice. People such as yourself, Mr. Speaker, who have had many jury trials know that one of the things which happens is what is known as a "trial within a trial" where the jury is not entitled to hear the evidence. That does not occur until a jury is empanelled. The jury then sits at the expense of the state sometimes for days and days while lawyers argue points of law. What we have done here is to put into legislative form that which is the practice in some jurisdictions such as Ontario whereby matters which come before the court would be able to be argued prior to the empanelling of a jury. This is entirely practical and sensible. It will save the time of the court and the jury and will save Canadians needless expense.

I ask Hon. Members to contemplate a particular feature which, in my view, is underrated. We are talking about the 1984 law. If there are any deficiencies of substance, they have to do with computers, because the last substantial change in the criminal law was in 1954. There have been amendments throughout the years, but what we had to do was to come up with a good law which would protect property rights from the wilful and unauthorized invasion of a computer. We must protect against the destruction of property which is held in computers because the present laws are not sufficient. It is really an extension of the law which we call "the law of mischief", and I certainly believe that is important.

In conclusion, I would like to make a point which I believe is very important. I feel that this Bill is not at all contentious. I would be very interested to hear from anyone who has a substantial or fundamental disagreement with respect to the Bill. There were aspects of the former Bill which was brought forward which were contentious and which divided the people or parties involved. For example, prostitution and soliciting is a very sensitive topic about which reasonable people could differ. I believe it would be wrong to include provisions with respect to prostitution and soliciting in a Bill which deals with impaired driving, computer crime and matters relating to streamlining the court process.

Obscenity is another sensitive topic. I have a lot of difficulty, Mr. Speaker, in all frankness, with respect to amendments to the law dealing with obscenity. I want to make sure there is a balance so that there is a maximum of tolerance on the one hand and, on the other hand, children are protected. We must draw the proper line in the proper place so that there is no real restriction of freedom of speech, but at the same time we do

not want people to see certain things because it is just wrong. Hon. Members of this House are going to have to draw that line, and that certainly will be a contentious issue.

Another contentious topic is contempt of court proceedings. Judges did not like the various proposals. These are matters which should be debated individually. There are also the topics of gun control and jury trials. We have taken all of these matters out which would divide people. They are not in the Bill.

What is in the Bill, in my view, Mr. Speaker, is necessary. It is timely, and it deserves the attention to the House in terms of putting it through quickly. I have yet to hear anyone, either the critic for the Liberal Party or the acting critic for the New Democratic Party, give any substantial reason why he would disagree with this Bill. The Hon. Member for Vancouver-Kingsway raised certain legitimate questions. Those questions can be disposed of. This Bill ought to be law and we ought to act promptly to make it so.

Mr. Nunziata: Mr. Speaker, I would like to ask the Hon. Member whether he agrees with me that along with these very important amendments to the Criminal Code dealing with impaired driving, it is absolutely essential that the Government undertake a public education program which would send very strong messages and educate the public with respect to this very serious problem. If he does agree, can the Hon. Member advise this House as to the reasons why the Minister of Justice (Mr. Crosbie), in his wisdom, decided to cut some \$700,000 from public legal education? I would like the Hon. Member to advise the House why such a drastic measure would be taken when it is so absolutely necessary and essential that the public be educated with respect to matters of law reform?

Mr. Speyer: Mr. Speaker, in answer to my friend's question, may I say that I hope that I articulated the fact that this Bill is not a panacea. It is one aspect of deterrence. Public education is very important, I agree with the Hon. Member. I believe that, whether it be in the schools or whether it be at home, these things take a period of time. As the Hon. Member heard yesterday, because I saw him at the press conference, over \$200,000 is going to be spent on public education and advertising. The Attorneys General of the provinces have all pledged money. In Ontario it is in train right now. We must make people aware that society will not permit this kind of behaviour.

Quite frankly, I would love to spend incredible amounts of money to make people aware of the importance of certain things. But there are certain limits on the Government, and \$200,000 is only the beginning. Public education is important. The Minister of Justice does not deny that. I do not deny it. I know, as the Hon. Member knows, that it is important. We are not cutting anything. The amount of \$200,000 is being spent, and over the fullness of time people will become aware of the importance of this legislation.

Mr. Nunziata: Mr. Speaker, the Hon. Member just indicated that nothing was being cut. I beg to differ with the Hon.