our attention—but because of the nature of what we call peremptory challenges.

I will give an example. The report of the aboriginal justice inquiry of Manitoba found that aboriginal people were excluded from the jury in the Osbourne case because of their race. The defence used a peremptory challenge to exclude six aboriginal people. This was a case concerning the murder of an aboriginal woman in a community with a large aboriginal component.

As the report states:

> The jury was not representative of the community from which it was drawn and in which the crime was committed.

In modern Canada there are instances in which people have been excluded from juries because of their race.

• (1030)

It is my understanding that one of the ideals we strive for in the justice system is to provide for the selection of a jury that does represent the community. The peremptory challenge may in fact stand in the way of achieving this goal. Perhaps it should be incumbent upon counsel to provide cause for every challenge. After all, the Supreme Court of Canada in the Bain decision noted that:

> The peremptory challenge is purely subjective.

Perhaps we need greater objectivity; if you do not like the person's face or you do not like the colour of his or her skin, you can challenge and you do not have to justify why you are challenging.

This is one of the concerns we could have looked at when we opened up this part of the Criminal Code. We are going to have to do it in the near future. I know the Attorney General of Ontario—I have a letter from the Attorney General of Ontario to the Minister of Justice of Canada—is determined to see these concerns addressed and these flaws remedied. The Attorney General said so publicly just a month ago in Toronto.

We have yet to have any substantive assurance from the federal government in this regard. In fact, by introducing legislation that killed the Law Reform Commission the government has given every indication it is not prepared at all to do the kind of work that needs to be done in this area. There had been some hope when the minister asked the commission to begin work on multiculturalism and the law that we could begin the process of updating our laws.

Were it not for the articles of Mr. David Vienneau in *The Toronto Star* after he obtained a copy of a consultation paper from the Law Reform Commission which was looking specifically at a trial by jury and had drafted well thought out and researched recommendations in its final report, we would not have known that the government was even looking at this area. This is a copy of the draft consultation paper by the Law Reform Commission. It is incomplete.

I suggest to the government and to you, Mr. Speaker: just take *The Toronto Star* for today and look at the headline "Anti-Black Racism Deep, Lewis Warns Ontario". This is a very relevant issue. Mr. Vienneau of *The Toronto Star* really did us a service to get this report public and get it out. We did not even see this in our committee.

This is not the way government should work. It should not hide things from Parliament, especially when racism is such a huge issue in our major cities in Canada today.

This report has recommendations that address the issue of proportional representation of the accused's racial, religious or other minority characteristics on juries, recommendations that would improve our ability to ensure that juries represent a fair cross-section of the community, and recommendations on page 38 regarding peremptory challenges and challenges for cause. I suggest some members of the House, including the House leader of the Official Opposition who I know is a lawyer, might want to have a look at this because it deals with stand-asides and peremptory challenges.

Basically, if I can summarize, it says maybe we should look at this because it is a purely subjective standard. As I said before a defence counsel or even Crown counsel could have people stand aside because they are black, Jewish, aboriginal or whatever. They can do that.

I am not saying they are doing it, although there was one instance in the case I have cited. At least we need to have some study of that and we need to look at that. I am not trying to hold up the government's bill. I understand the parliamentary secretary has to get this done in six months, although he could go back to the court as the government has done in the past and say we need more time. If the court does not like it, he could blame it on