

second offence it be increased from three years to five years.

That developed a fair amount of debate and discussion in our committee. For the member to recommend a first offence going from three years, as recommended by the special committee, to five years and from five years on the second offence, as also recommended by the committee, to eight years is extreme and perhaps a little too far the other way. I will state my reasons for thinking that.

First I want to mention, as he has pointed out, that with parole there is a great facility and a great capacity to have sentences reduced. That is a factor, unequivocally.

However, there are other aspects we have to take into consideration, that if we do not have parole then we do not have the ability to reform and rehabilitate. We do not have the carrot to hold in front of a convicted person under this offence to offer some incentive to be rehabilitated.

A lot of people will say that these people cannot be rehabilitated, they are incorrigibles, they are a blight on society. That is not true. Not all people who are convicted of a crime are incorrigible by any stretch of the imagination. Not only that, regardless of what sentence these people are given, what minimum and what maximum and what they ultimately serve, these people are going to be back in society.

It is very important to note that we are going to be dealing with these people in society. We want these people to have learned from the experience. Not all of them will. You cannot have everybody come out of an institution, after having served a penalty, to be perfect and not commit another crime. That is just not the way it is going to happen and it is not the way the system works. What we try to do is have it as successful as we possibly can. We want to increase the odds against these people being repeat offenders.

It is important that we look at this in perspective. One of the institutions that holds our country together is our judicial system. We as Canadians have placed a lot of faith in our judicial system; in our judges and their capacity to make the right decision based on the needs and the dictates of society. We have to give these judges latitude and assume that they know what they are doing.

Private Members' Business

If we start creating too many of these minimum offences of really extensive periods of time without parole then we are tying the hands of judges to dispense justice. In other words, we are not allowing them to do their job. I think that would be a mistake because there are incidences where five years would be far too long even for somebody committing a crime with the use of a firearm and that is a serious crime. But if you had a father whose family was going hungry and needed food and the father used a firearm, be it loaded or unloaded, to get food from a convenience store, would you say that warranted five years in prison?

If a father, on hearing that his child had been struck by what was alleged to be a drunken driver and that the child was fatally injured or perhaps seriously injured and could have permanent damage, in a rage of grief took a firearm and shot at the house or in the vicinity of the house of the alleged impaired driver, would that be a situation where the person who committed the offence should be sentenced to a five year term?

These are situations that bear and deserve a lot of consideration. I do not think we can, as members of Parliament, as concerned Canadian citizens, tie the hands of our judiciary, as the hon. member for Kitchener is suggesting.

The member for Kitchener also suggests that there not be any parole during the minimum period. For instance, if someone committed a first offence with the use of a firearm and was sentenced to eight years, because of the five year minimum that person would not be eligible for parole for five years. There would be no incentive for that person.

Do not forget it is the Canadian public that is paying the expenses of that person while he or she is incarcerated. If we are not getting some benefit from that incarceration in the hope that that person will be rehabilitated to a certain extent then it does not matter what maximum we are suggesting. There is not going to be a benefit and the cost is going to be there without the inherent benefit.

The hon. member also suggested that there not be any plea bargaining without the approval of the Attorney General. The crown prosecutors are the agents of the Attorney General. The question is how much can you lay on the Attorney General who is quite busy. What is the situation? Are you going to have a backlog? Are you going to have lengthy delays while the Attorney General