

Private Members' Business

The Deputy Speaker: It being 6.20 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's *Order Paper*.

PRIVATE MEMBERS' BUSINESS

[English]

CRIMINAL CODE

Mr. John Nunziata (York South—Weston, Lib.) moved that Bill C-226, an act to amend the Criminal Code, be read the second time and referred to a committee.

He said: Mr. Speaker, I appreciate the opportunity this evening to speak to Bill C-226, which I initially introduced in the last Parliament and reintroduced in this Parliament on March 17, 1994.

I would like to thank the chairman of the subcommittee on Private Members' Business, the member for Scarborough—Rouge River, and other members of the committee for selecting this bill as a votable item. As you know Mr. Speaker, it means this bill at some point will be put to a vote in this House, a free vote. Every member will be called upon to exercise his or her discretion in saying either yes or no to repealing section 745 of the Criminal Code.

I am convinced, given the discussions I have had with a great number of my colleagues, that this bill will in fact become law in the not too distant future. I am convinced as well because of the overwhelming public support for the removal of this section from the Criminal Code.

Section 745 of the Criminal Code was introduced in 1976 when Parliament was debating the abolition of capital punishment. At that time there were a series of compromises and deals struck, presumably in the backrooms of the precincts of Parliament, in order for capital punishment to be abolished.

One of those deals or compromises was that in return for abolishing capital punishment there would be a law that said if you are convicted of first degree murder you have to serve a minimum of 25 years in prison before you become eligible for parole. That is not where our predecessors let it stand. A group of others decided that was cruel and unusual punishment. Before giving their support for abolishing capital punishment they argued that what became known as section 745, because they thought 25 years was too long, would give inmates faint hope that they could in effect apply for a reduction in the parole ineligibility period. They argued that it would be used very rarely, only in exceptional cases.

Most Canadians are not aware that section 745 is in the Criminal Code of Canada. It says very simply if you commit first degree murder, it is the worst possible crime in the Criminal Code. This is cold blooded, calculated, premeditated murder. These are the people who plan a murder. They buy a gun or a knife. These are not pleasant crimes, not your run-of-the-mill armed robberies. These are vicious and cruel crimes that result in the victims being mutilated and raped before or after they are murdered. We are talking about the worst crime under the Criminal Code.

Section 745 says if you are convicted of murdering somebody in those circumstances, if you kill one, two, three or more people—Clifford Olson raped and murdered 11 young children and he will be eligible under section 745—regardless of the number of people you murder or how you committed those murders, you can apply to have your parole ineligibility period reduced to 15 years.

Most Canadians believe that the penalty for murder is life in prison. We all know that is bogus. Nobody serves life for murder, or at least not that I am aware of. Most Canadians think it is 25 years, but that is not the case. Right now the going rate which I refer to as the Walmart discount in the Criminal Code is you can get 40 per cent off that 25 years by applying under section 745. These applications just started a few years ago because of the time lag from 1976 and 15 years hence. As of May 1994 there were 60 applications from convicted killers. Forty-three of those 60, or 72 per cent, were successful.

That tells you very simply that the penalty for first degree murder in Canada is fast becoming 15 years. Is that what Canadians want? Is that a fair penalty? I suggest not. In my view it demeans the value of life. It is one of the reasons why Canadians have so little respect for our criminal justice system. It is an example of how the criminal justice system in this country is totally imbalanced. The rights of convicts, the rights of criminals are considered to be first and foremost. The rights of victims and their families are shunted aside.

● (1825)

This Parliament now has an opportunity to create a more equitable balance in our criminal justice system. Section 745 must be removed from the Criminal Code in order for Canadians to at least have some belief in the criminal justice system that it is serving the public and not serving convicted killers.

I spoke of Clifford Olson who becomes eligible for parole on August 12, 1996. It was not that long ago. Most members in this House recall the hideous nature of Mr. Olson's crimes. I have here some comments from Mrs. Sharon Rosenfeldt, the mother of one of the Olson victims, Daryn Rosenfeldt, who was abducted, sexually assaulted and murdered by Clifford Olson. She says and I quote: "I am so repulsed that our justice system