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HOUSE OF COMMONS

Friday, October 4, 1991

The House met at 10 a.m.

Prayers

GOVERNMENT ORDERS

[*Translation*]

CRIMINAL CODE

MEASURE TO AMEND

Hon. Kim Campbell (Minister of Justice and Attorney General of Canada) moved that Bill C-30, an Act to amend the Criminal Code (mental disorder) and to amend the National Defence Act and the Young Offenders Act in consequence thereof, be read the second time and referred to Legislative Committee G.

[*English*]

She said: Madam Speaker, on May 2, 1991, the Supreme Court of Canada, in Swain *v.* The Queen, held that a central provision of the Criminal Code dealing with persons found not guilty on account of insanity was contrary to the Canadian Charter of Rights and Freedoms because it lacked adequate procedural protections being arbitrary and potentially indeterminate in nature.

The court gave Parliament six months to enact the necessary remedial legislation. There are approximately 1,100 Canadians being held indefinitely under Lieutenant-Governor's warrants. None of them has been convicted of the crime of which they were accused. Many have never had a trial to determine if they committed the offence alleged. They have been found to have been insane at the time of the offence and therefore not guilty by reason of insanity, or insane at the time of trial and therefore unfit to stand trial.

The situation in which these people find themselves is worse in a number of ways than if they had been convicted of the offence charged. They are held indeterminately and their release depends completely on the discretion of the Lieutenant-Governor of the province in which they reside.

The present Criminal Code provisions permit provinces to create boards to "review" whether these people should be released, but the provisions do not require that a board be created or that the board hold hearings. Even in provinces with a review board which holds hearings, the recommendations made by the board are not binding. No reasons need be given for the board's recommendations nor for the decision of the Lieutenant-Governor. There is no right of appeal from the decision. While the Lieutenant-Governors undoubtedly exercise their discretion wisely in a great majority of cases, the possibility that a person may be deprived of his liberty without a fair hearing is a state of law that should not be allowed to prevail in a free and democratic country like Canada.

• (1010)

The bill which I have introduced is the culmination of years of study and consultation, starting with the 1976 report of the Law Reform Commission of Canada entitled *Mental Disorder in Criminal Processes* which noted numerous problems and inequities and recommended extensive procedural changes and further studies of existing practices employed by officials directly involved with mentally disordered accused.

These studies were undertaken by the Department of Justice which in 1983 and 1984 carried out Canada-wide consultations first on a detailed options paper and then on a report with draft recommendations.

[*Translation*]

Subsequently, the 1986 draft bill served as a starting point for consultations with representatives of the provincial and territorial governments and with Health

departments, Attorney General departments and correctional, social and community services.

Departmental officials also had meetings with judges at three different levels, with Crown prosecutors, defence counsel, health officials and members of review boards established by the lieutenant-governors. Many non-governmental bodies were consulted, including the Canadian Mental Health Association, the Canadian Medical Association, the Canadian Hospital Association, the Canadian Association for Community Living, the Schizophrenia Society of Canada and the Advocacy Resource Centre for the Handicapped.

Consultations with the Department of National Defence led to proposals for consequential amendments to the National Defence Act, to ensure that offenders suffering from mental disorders, whether they are subject to this Act or the Criminal Code, receive the same treatment, to all intents and purposes.

Under the Criminal Code, courts may order a psychiatric assessment of the offender at various stages in the court procedures, but only for the purpose of determining whether the accused is unfit to stand trial or whether the balance of the mind of the accused was disturbed where the accused was charged with an offence arising out of the death of her newly born child.

[*English*]

The bill expands the range of purposes for which an assessment may be ordered and spells these out. The bill provides that assessments are to be made out of custody unless circumstances require that the accused be held in custody.

We are proposing that the length of time allowed for an assessment vary with its purpose. Assessments for fitness can generally be done more quickly than assessments of the mental state of the accused at the time of the offence, or for the determination of the appropriate disposition. The bill therefore permits up to five days, excluding travel time, for a fitness assessment and a 30 day maximum for the other initial assessments.

In exceptional circumstances, a longer period of time may be permitted or an extension may be granted, but under no circumstance can the total length of an assessment exceed 60 days.

At present there is a risk that incriminating statements made to a doctor during a court-ordered psychiatric assessment may be used as evidence against the accused. As a result, many defence counsels advise their clients to refuse to answer questions during such assessment. This deprives the doctor of a very important source of information about the accused and undermines the effectiveness of the court order.

At the same time, concern has been expressed by prosecutors that completely prohibiting the use of this evidence would deprive the court of important information needed to learn the truth about the accused and the offence.

Our insanity defence is based largely on the M'Naghten rules which were formulated in Britain during the 19th century. For the purposes of liability under the criminal law, section 16 of the Criminal Code states that a person is insane if he has a "disease of the mind to an extent that renders him incapable of appreciating the nature and quality of an act or omission of knowing that an act or omission is wrong".

The majority of those with whom departmental officials consulted agreed that the defence worked reasonably well and the only change needed is to modernize the language in the section. For example, we have replaced the term "insanity" by the phrase "mental disorder" in order to bring it in line with current psychiatric views.

One important change made in this bill is to alter the nature of the verdict from the current "not guilty by reason of insanity" to "the accused committed the act or made the omission but is not criminally responsible on account of mental disorder".

The new verdict is superior to the present one. First, a number of psychiatrists have indicated that persons found not guilty by reason of insanity delude themselves into thinking that they have done nothing wrong, and this presents an obstacle to therapy.

Second, it explains more accurately what the verdict represents. Under the present wording, the public finds it difficult to understand how the accused could be found not guilty despite proof that he committed the offence.

Prior to the Swain decision, the Criminal Code required judges to order the accused into custody after a verdict was rendered that he is unfit to stand trial or was insane at the time of the offence.

The deprivation of the accused's liberty was automatic, even in cases where the accused received treatment while on bail pending trial and no longer represented a danger to the community.

This provision was struck down by the Supreme Court of Canada in Swain as being inconsistent with the Charter, subject to a six-month period of temporary validity.

The bill does away with this rigid rule and allows the court to make a non-custodial order where that seems appropriate in the circumstances, pending consideration of the case by the review board. That consideration must take place not later than 45 days after the court hearing unless the court is satisfied that there are exceptional circumstances.

Moreover, the bill gives the court the power to make a disposition itself if the court can readily do so and if it is clear that a disposition should be made at once. This gives judges a range of options including detaining the accused or granting some measure of liberty depending on the facts of each case.

[*Translation*]

As I mentioned earlier, the Criminal Code does not oblige the lieutenant-governor to establish a review board. However, in provinces where such boards exist, the lack of uniform rules of procedure across the country and the arbitrary nature of some of the boards' practices have aroused considerable criticism.

Another complaint has been that lieutenant-governors exercise powers that are obsolete, including the obligation to look after the mentally handicapped, children and the elderly, which historically has been that of the monarch.

The purpose of this bill is to make considerable changes in the powers of review boards. It abolishes the lieutenant-governor's duties in this respect, makes review boards compulsory and gives them the power to make decisions.

These changes reflect the current situation, because it is the boards that hear the evidence, observe the accused and have the qualifications for making the appropriate decisions.

A review board must have at least one psychiatrist, and if there is only one other member, that member must be either a psychologist or a medical practitioner. The bill thus recognizes that matters submitted to the boards are often multidisciplinary in nature and that the contribution of other medical professionals to the assessment may be useful.

[*English*]

The bill sets out minimum procedures which courts and review boards must follow during hearings to determine what disposition should be made. The procedural requirements in the bill strike a balance between protecting the right of the accused to a fair hearing and the need to provide flexibility in the details of how a particular hearing will be conducted.

The bill provides that the accused and his or her counsel will have access to all reports and information before the hearing takes place and will be present at the entire hearing unless this could result in serious interference with the accused's rehabilitation or recovery, or in serious physical harm to another person.

In such cases, the information and reports will be withheld and the accused excluded from that part of the hearing unless the interests of justice require that the information be disclosed notwithstanding the anticipated harm.

The bill creates a framework of principles which are to be applied when deciding what disposition should be made. They are the protection of the public from dangerous persons, the reintegration of the accused into society and other needs of the accused.

Another guiding principle is that the disposition imposed initially and subsequently is to be the least intrusive or onerous option having regard to the other principles already noted.

The public and the accused are further protected because the system allows quick action if there is significant deterioration in the accused's condition. Another proposed procedural protection is the right to appeal a disposition based on the facts of the case, the law or both. The legislation provides that such appeals are to be heard by the provincial court of appeal as soon as possible.

At present, there is no power to order a person detained pursuant to a Lieutenant-Governor's warrant to submit to treatment involuntarily. Apart from emergency, there is no power to treat an accused without obtaining consent. We have concluded that the general rule preventing the involuntary treatment of mentally disordered accused ought to be preserved. However, subject to stringent safeguards, the bill permits a court to order involuntary treatment to make the accused fit to

stand trial, thereby avoiding a potentially lengthy period of detention.

• (1020)

The present system permits persons detained pursuant to Lieutenant-Governor's warrants to be detained indefinitely, potentially for life. Although in practice most warrant detainees are released after a few years, there is considerable variation between provinces as to the average length of a warrant. In recent years there has been strong opposition to the indeterminate nature of the warrant. It has been argued that warrant detainees are discriminated against as a result of their mental disorder because they are subject to indefinite detention, whereas those convicted of the same offences receive definite sentences.

The bill imposes three outer limits on the length of time an accused can be held as either unfit to stand trial or not criminally responsible.

First of all, for first and second degree murder and for high treason and some military offences in time of war, the maximum is life. Second, for offences involving danger to the person or to the security of the state, the maximum is 10 years or the maximum penalty which could be imposed, whichever is less. Third, for all other offences the outer limit of detention under the authority of the criminal law is two years or the maximum penalty which could be imposed for the offence, whichever is less.

These provisions which we refer to as the capping provisions will apply retroactively to those now detained on Lieutenant-Governor's warrants. Young offenders will also be included in the proposed changes to the law. The maximum for youthful offenders will be the maximum which could have been imposed upon conviction, namely two years for less serious offences and three years for more serious offences and under the proposed new amendments to the Young Offenders Act, five years for murder.

This does not mean that dangerous persons will automatically be released into the community upon reaching the maximum or upper limit. The Attorney General may apply to the court at the time of the verdict to have the accused declared a dangerous mentally disordered accused. If the court is satisfied on the basis of criteria similar to those used in dangerous offender applications under the existing Criminal Code provisions, it may substitute an indeterminate detention for the normal 10-year limit. The transitional provisions of the bill allow similar applications to a commissioner in relation to mentally disordered accused who are on Lieutenant-Governor's warrants at the time this bill comes into force. The accused would of course still be evaluated by the review board at least once a year.

Moreover, persons released on reaching their maximum may be detained under provincial mental health legislation if they constitute a danger to themselves or to others. Some provinces may wish to amend their mental health legislation to ensure that it adequately provides for commitment of those who are viewed as being potentially dangerous if not detained. I have indicated that these provisions will not be proclaimed until the provinces have been allowed a reasonable time to amend their laws if necessary.

The unfit accused faces an additional potential source of unfairness. By definition, such persons have not yet been tried and may be innocent. As well, if the unfit accused is detained for a long time, the Crown may no longer be able to prove its case against the accused. If the case could not be proven, it is unfair for the criminal justice system to continue to detain the person. The bill provides new protection for unfit accused by requiring the Crown to present proof to the court every two years that it could prove its case if the accused were then brought back for trial. In cases involving unfit youthful offenders, such proof must be provided on an annual basis.

Some accused, though they are not unfit to stand trial, are nevertheless acutely mentally ill at the time of trial. There is no authority in the Criminal Code to order that part of a sentence of imprisonment be served in a treatment facility or a hospital. Judges often make recommendations that the accused receive treatment but they are not binding on correctional officials. Some mentally ill offenders are transferred to provincial mental hospitals under agreements between the government departments involved and others are sent to federally run regional psychiatric centres. However, these centres often have lengthy waiting lists for admission.

[*Translation*]

Madam Speaker, the bill also contains provisions with respect to hospital orders that will allow persons suffering a mental disorder in an acute phase and who have been found guilty, to receive, with their consent and that of the hospital, treatment for a maximum period of 60 days, for the purpose of stabilizing their condition. At the end of the 60-day period, which is considered to be the initial part of the sentence, the hospital and prison authorities may decide whether such persons can go to prison and serve the rest of their sentence or should continue to receive treatment.

Some provinces are concerned about the financial repercussions these provisions may have, even if they only apply in cases where treatment is urgently required.

We believe that the hospital order provisions in the bill will not have a serious impact on the financial resources of the provinces. However, considering their concerns, I have agreed to postpone the coming into force of these provisions for two or three years, so that pilot projects can be conducted in one or two provinces.

[*English*]

This concludes my summary of the most significant points in this bill. There are a number of other subjects dealt with in the proposed revisions to the Criminal Code, such as provisions to facilitate interprovincial transfer of mentally disordered accused and for the arrest without warrant of those who breach dispositions or are unlawfully out of custody.

The bill also provides for the revision of two other acts, the National Defence Act and the Young Offenders Act, to bring them into line with the revisions to the Criminal Code.

I would urge members on both sides of the House to expedite the passage of this humanitarian legislation. The proposed changes will create a more equitable balance between the rights of the mentally disordered offenders and the need to protect the state. It deserves their support.

I would like to move:

That Bill C-30, an act to amend the Criminal Code (mental disorder) and to amend the National Defence Act and the Young Offenders in consequence thereof, not be referred to a legislative committee but be referred to the Standing Committee on Justice and The Solicitor General.

Madam Deputy Speaker: The House has heard the motion of the Minister of Justice. Is there unanimous consent for this motion?

Some hon. members: Agreed.

Motion agreed to.

Mr. George S. Rideout (Moncton): Madam Speaker, it is a pleasure to rise and speak on this particular bill and to assure the minister that we on this side will co-operate as much as possible for the quick review of this particular legislation. We will certainly co-operate to the fullest in light of the Supreme Court of Canada's decision and the fact that we are facing a major deadline of November 2 for new legislation to be in place.

We on this side of the House as well are supportive of the general intent of the legislation. We are looking forward to hearing from different groups and organizations that we are sure will bring new thought and light with respect to the bill and hopefully point out where there may be errors or weaknesses in the legislation.

We concur with the minister's comments that this legislation may require some fine tuning and some adjustments. We look forward to hearing from the different groups and organizations that will come before the Standing Committee on Justice and The Solicitor General.

The present situation really is an unjust situation. I think the Law Reform Commission categorized it very well when it said that a person who is labelled mad and bad is doubly damned. That is what we have seen in this country over the last little while, that people could really lose their rights to have even a trial, to be found guilty or not guilty, and at the same time end up in an institution for an indeterminate period of time and even, although highly unlikely, for life. That really was an unacceptable situation that should have been corrected quite some time ago.

All we have to do is take a look at some of the case histories of people who have been caught in this particular situation. There was recent publicity in some of the media talking about some of the people who have been caught up in the web. One was a Daryl Jones who was classified as a psychopath and found not guilty by reason of insanity of rape, robbery and attempted murder of a young woman in 1974. He has been trying to get into a less confining circumstance. The pros and cons of whether that is right or wrong need not be dealt with at this

particular stage. I might agree with the fact that maybe he should be staying in a maximum security facility.

• (1030)

The problem is that every year his case comes up for review. He has been before the review board every year for approximately 15 years. The latest time was in January and he heard through the grapevine, as these people always do, that he was going to be transferred to the Kingston psychiatric hospital, but the waiting list was long. What is going to happen to this gentleman is that by the time the waiting list gets up to his name, he will probably be back to be reviewed again and will start the process all over again. That is the inequity in this situation.

Another interesting inequity is the fact that about 60 per cent of psychopaths are in prisons serving a definite period of time rather than in hospitals. Therefore that 60 per cent will back out on the street once their time is over and others who are in under a Lieutenant-Governor's warrant may be there for an indeterminate period of time. The unfairness of that is obvious.

Another problem is that we do not really have the facilities, the technology or the wherewithal to study the individuals involved, to give them the necessary treatment or to determine the likelihood of repeat offences of the types of things they have done. Therefore we do see where there are some very serious problems.

Our information is that probably right now there are about 1,100 people across Canada who are held under Lieutenant-Governor's warrants. The detention is supposedly for a cure. The whole idea is that they are in under these warrants because they are going to get help and assistance to correct the medical problem they face and therefore be released into society and be serving and contributing members of society. In actual fact there is no treatment and this is just another form of cruel and unusual punishment with respect to some individuals.

The review boards looking at these types of situations are really overworked and there is a great deal of delay. As a result, most people are finding that they are not released and they are not getting the treatment they deserve.

In this sense we laud what the government is attempting to do in trying to correct this situation. Our main question now is to determine whether in fact it has.

I must be critical of the government for two reasons: first, because that is what we always are on this side of the House and, second, because this time they deserve it.

The Law Reform Commission studied this particular problem in 1976, and the government knew after the Charter of Rights and Freedoms came down that the situation was contrary to the Charter of Rights and Freedoms but again it chose to do nothing.

My information is that draft legislation was ready in 1986. Here we are in 1991 under the gun because the Supreme Court of Canada has done what everybody knew it was going to do, and that is strike down the provisions. Now we have to scramble to try to put together a law that will meet the tests and serve the public. In that sense, I must criticize the government for taking as long as it has. It is about time that we get on with the task.

The legislation itself appears to strike the proper balance. Again we are going to require the input of a number of different organizations before we know for sure. It does create the new category of dangerous mentally disordered persons. It strikes that balance of protecting society, but at the same time trying to get people out of institutions and back as contributing members of society. We will have that category of dangerously mentally disordered persons. At the same time we will have a system which puts a cap on how long these people have to stay in institutions. Hopefully the proper support systems will be put in place so that these people can be rehabilitated and integrated into society.

The Charter of Rights and Freedoms must be for everyone and this legislation will ensure that the Charter of Rights and Freedoms is in fact for everyone.

Under the old system a person could be found not guilty by reason of insanity even before he was tried. As the minister said, he could have been found not guilty in the initial stages and the that trial would not even proceed. However, because he or she is insane, he or she is in an institution. That was an unacceptable situation. It not only offended the charter but was an offence to

fundamental justice because there was a great injustice created by this situation.

At the same time, with the new category of dangerous mentally disordered persons, we will hopefully be able to protect society. Law and order and the proper protection of society has to be one of our overriding concerns.

I happened to be on the committee that examined the parole provisions in the new legislation which the Solicitor General has announced. It provides better controls of parole, early release and the non-early release of dangerous criminals. We are moving in the same area with this designation so that society will be protected, while at the same time those who can be helped will be helped.

The Liberal Party is supportive of the bill going to committee. We have concerns in three or four areas and I would like to highlight them.

Testimony given before the justice and solicitor general's committees on Bill C-67, dealing with detention and parole, indicated there was a lack of facilities and a lack of treatment for inmates. This was in the sexual or psychiatric problem areas. We are going to be following that up. The intent of this bill is to make a fair degree of treatment and facilities available. However, we are concerned that while the bill may be laudable, the gap between intent and reality is fairly large. It is going to require a major commitment by this government to put in place those facilities and those capabilities, with the participation of the provinces, so that what is intended is achievable.

In a lot of cases people will be released into the system and utilize community-based services and a lot of the provincial health care and mental health care systems. We already know that those systems are taxed to the limit. The question is whether the government has a commitment to provide necessary funds to the task and assist provinces in this particular area.

We are going to see a situation in which more people will be released into the system. If we allow these people to fall into the cracks then we are going to be facing a serious problem in the near future. The overall intent of protecting society will be lost because we did not provide the right treatment, the right facilities or staff. There is a heavy onus on the government to move in this area.

Another area which we feel should be looked at concerns the victims and their involvement. We can all appreciate the situation of the victim realizing that maybe this person is going to be back out on the street tomorrow or the next week or whatever.

• (1040)

The victims also have a stake in this legislation and they have a role to play. We should do what we can to ensure that victims have a say in the process and make the process responsive as well to the victims. Then they hopefully will be supportive of what is taking place, or at least have the feeling that they had a say in what is taking place.

It is a pleasure to support the general intent of this legislation. It is a pleasure to be co-operative with the government, as we always are on this side. It has been my experience that we are probably the most co-operative opposition this House has seen. This is another clear indication of such co-operation.

We look forward to seeing this bill before the committee. Despite the government's claims to the contrary, we have been a positive opposition. We look forward to this bill coming before committee and we look forward to hearing from as many people as possible.

It is my understanding, and I hope the minister can confirm it, that the government is requesting an extension from the Supreme Court of Canada so that we do not face a November 2 deadline and have to hurry this legislation through.

We on this side will support at second reading this particular piece of legislation.

Mr. Bill Blaikie (Winnipeg Transcona): Madam Speaker, the member for Port Moody—Coquitlam, justice critic for the New Democratic Party, is unable to be here today. It is unfortunate the government was not able to arrange for this debate to occur when he was here.

In his absence I would like to say that we support the bill. We are anxious to send it to committee where there is work to be done on amendments. There have been many amendments suggested by the Canadian Mental Health Association, for instance, which I think should be considered seriously by the government. I am sure there may be other suggestions which could be considered in committee.

We are debating this bill today because in May the Supreme Court of Canada struck down the previous law dealing with the criminally insane and ordered that new legislation be put into effect by November 2. As a result we are in the difficult—but I suppose not insurmountable—situation of having to introduce new legislation by November 2.

There may be the extension which the hon. member referred to. Perhaps we will hear from the minister at some point about whether that extension is being sought and whether she expects to receive it.

We need not have been in this position. There was an intention on the part of a previous Minister of Justice—now the Minister of Fisheries and Oceans—in 1986 to deal with this issue. Those amendments died on the Order Paper and were not resurrected until this very late hour. It is too bad the government did not see fit earlier to address what everyone knew was a problem, what everyone knew the Supreme Court would eventually rule. However, that is so much water under the bridge. We have the bill before us and we are anxious to send it to committee where it can be worked on and hopefully improved.

Under the old system, which this bill seeks to change, people accused of crimes who were deemed mentally unfit were automatically held for indefinite periods on Lieutenant-Governor's warrants. Though the cases were reviewed annually, in theory offenders could have been kept in a mental hospital forever, even for minor offences.

The Supreme Court ruled that this system violated the rights of mentally ill people. It is estimated that about 1,100 people are currently being held on Lieutenant-Governor's warrants across the country. Bill C-30 proposes to match the period of incarceration to the crime. That would mean that someone acquitted of murder by reason of insanity could still be confined for life while someone who committed a minor crime and was willing to undergo psychiatric treatment might be released on supervision. Those judged to be still dangerous after their terms in hospital could be detained for an additional period under provincial mental health legislation.

Madam Speaker, as I said before, there have been many amendments suggested, and some problems raised, with the actual contents of the bill, by the Canadian Mental Health Association. It is a rather lengthy and constructive criticism that it has put together, and I do not propose to go through all of it.

I would hope that in all the deliberations of the committee, and of the government, we would always be seeking to find that right balance between the protection of individual rights and the public safety, and when a dilemma is involved in this case, that the error would be on the side of public safety while, at the same time, trying to address what are obviously problems in the existing system with respect to the protection of individual rights.

We look forward to having this bill debated and improved in committee, and we hope that the minister might, perhaps on a point of order, answer the question about an extension.

Mr. John Nunziata (York South—Weston): Madam Speaker, I appreciate the opportunity to make some brief submissions on the bill before Parliament today.

I must, however, take the minister and her government to task for putting this Parliament, and the Canadian public, in the position they are in today. We were told by the Supreme Court of Canada in May of this year that we had six months to put a law on the books. Otherwise, there could be some very dire consequences as a result of this government's inaction over the last seven years to deal with this specific problem and, in particular, those who are found not guilty by reason of insanity.

While this minister seems to be more concerned about the words to *O Canada*, the criminal justice system in Canada is in desperate need of repair and reform.

It took the Supreme Court of Canada to get this minister, and this government, off their collective duffs to get some action in this particular area. In 1976, the Law Reform Commission of Canada made recommendations in this area. That was 15 years ago.

In 1986 this government promised legislation. That was four years ago. This government promised legislation in this area to deal with these significant problems with regard to our criminal justice system. Where has the government been over the last four or five years?

Finally, the Supreme Court of Canada had a case to decide, and it decided in a six to one decision in May of

this year that the law was unconstitutional. Where has the government been for the last number of months?

Now the minister has the audacity to come and tell this House, and the people of Canada, that we have to pass a bill that is dozens of pages long in the next few weeks. If we do not, the Supreme Court of Canada has said that the law is off the books, and the Canadian public will have to suffer the consequences.

The minister comes before this House today suggesting that she is blazing the way to criminal law reform with regard to those who have been found not guilty by reason of insanity. The minister has to take some responsibility for the predicament she is putting this House in.

We on this side of the House agree that this bill should go to committee, but we resent the fact that the opposition will have very limited time to hear from expert witnesses right across the country in order to have this law in place before the imposed deadline by the Supreme Court of Canada.

The defence counsel, Clayton Ruby, who acted for the individual who had this case decided in the Supreme Court, put it right when he said that the justice minister should be ashamed that the draft law has not yet been introduced. That was back in May of this year.

The minister should have been on her feet apologizing to the people of Canada for inaction. She seems to be overly concerned about unimportant matters rather than dealing with an issue that is important to people throughout this country. I am not only speaking of this particular aspect of the criminal justice system.

There are a number of different areas in the criminal law system in Canada that need reform. We have been waiting patiently on this side of the House for some of those reforms. People in my constituency in metropolitan Toronto walk around in fear of what is happening to our city and to our communities. This minister is concerned about the words to *O Canada*, yet she does not appear to be concerned about the fact that in Toronto the murder rate a number of weeks ago had already broken all records. She seems to be unconcerned about the drug problem in our community, and every major urban centre, including her own community in Vancouver.

• (1050)

Rather than dealing with the root problems of our criminal justice system, this minister is content simply to sit there and do nothing. She is a do nothing Minister of Justice. She ought to be introducing legislation every day in this House to deal with all kinds of different matters that the Law Reform Commission has recommended to this government, that the sentencing commission recommended a number of years ago. This government spent millions of dollars on that particular commission to make recommendations with regard to reforming the sentencing system in Canada. She ought to be working with the Solicitor General to ensure that parole reform is brought into place in Canada.

A Solicitor General a number of years ago, just prior to an election as a matter of fact, a Conservative Solicitor General, said that this government is concerned about the parole system in Canada and the mandatory supervision in Canada. We are going to bring in all these wonderful reforms to make sure that the public is adequately protected.

Now we realize that that was only an election ploy in order to garner some cheap political votes rather than taking effective action immediately.

I call on the minister to get her act together with the Solicitor General, with her justice department, to bring in those reforms. People are fed up. She knows about the De Villiers family whose daughter was murdered in Burlington just a few months ago. She knows that just a few days ago the De Villiers family, with the help of my colleague from Hamilton, launched a nation-wide petition, in effect telling the government to start some action, start reforming the criminal justice system. The aggrieved parents of a murdered child have had to become political activists in order to get this government moving.

That is the travesty of this whole situation. The De Villiers family is not the only family out there waiting for some justice because of this government's inaction. We have the Pollington family whose daughter and two grandchildren were brutally murdered 14 years ago. That person now is released on day passes into the community in order to celebrate his birthday, or celebrate Christmas, when that person brutally murdered three people

14 years ago. Next year this person has the right under the criminal law to seek a review of the parole eligibility date in his case.

Is it not any wonder that people are fast losing respect for the criminal justice system when we hear about these cases. We heard about the Gingras case in Alberta where a convicted murderer was given a day pass to celebrate his birthday at the West Edmonton Mall. Could you imagine that? A convicted murderer was given a day pass to go to the West Edmonton Mall to ride the roller coaster after having committed a gruesome murder.

What did that individual do? He escaped custody and murdered three other people. He murdered other people as a result of that day pass he was given. Talk about negligence. The family of one of the victims that was murdered after this person escaped is now before the civil courts. Not only did they have to suffer through the brutal death of their daughter, now they have to go through the civil courts in order to get some justice because this government fell asleep at the switch. We had a number of other cases over the last number of years. There was the Melvin Stanton case in Toronto where a young woman was murdered because this person was prematurely released after having committed a murder. The Sweeney case here in Ottawa involved a half-way house worker who was killed by someone released from prison after having committed a murder.

Enough is enough. I may appear to be a little exercised and passionate this morning, but I have just cause because this government is not taking the action necessary in order to ensure that the public is safe out there.

Even the police in metropolitan Toronto are critical of this government for its lack of action with regard to Bill C-67 and the drug problem in metropolitan Toronto. The metropolitan Toronto police, the best police force in my view anywhere in the world, busts its butt to bust drug dealers in metropolitan Toronto and to freeze and seize the assets of drug pushers in metropolitan Toronto.

One would think that the federal government would share the proceeds of that seizure of assets of criminals. This government refuses to transfer back to municipalities assets that are frozen and seized by local police forces across the country. It is a new way of taxation for this government. This government is living off the avails of drug pushing in Canada.

In 1989, $39 million was seized by law enforcement officials right across the country. In 1990 it was estimated that that figure was over $60 million. Instead of transferring that money back to the police forces across the country in order to combat crime and fight the drug problem in major urban centres across the country, this government is taking the money and putting it into its general revenues.

It is a new form of taxation. The government is living off the avails of drug pushers in this country, and it ought to be sending that money back.

Whereas my colleague was rather generous in his comments with regard to this particular bill, and I agree we will support it in principle and do everything we can to expedite the passage of the bill, it will not be without some very direct criticism of this government for its lack of action in the criminal law area in Canada.

We call on the government to immediately bring in legislation to deal with the parole system in Canada. We call on the government to immediately deal with the problems associated with mandatory supervision in Canada where convicted criminals are automatically released after having served two-thirds of their sentence.

Yes, we have Bill C-60, a bill that will allow detention orders, but under the law in Canada today, one can serve two-thirds of a sentence, then is automatically released, unless the government can show reason why one ought to be further detained.

We call on the government to bring in some reforms in that area in order to ensure that the public is protected. We call on the government to tighten up the immigration laws in this country so that when a landed immigrant is convicted of serious criminal offence, immediate action is taken for that person to be deported.

We call on the minister to amend the legislation in order to ensure that people who are convicted of serious criminal offences are stripped of their citizenship and deported. It is time that this government started getting tough when dealing with people who have as a preoccupation the breach of serious law in Canada.

I make my submissions because of the dozens and dozens of calls that I receive in my constituency office and because of what I am told by my colleagues about the numbers of calls they are receiving from their constituents about the concern they have with the crime problem in Canada.

It is not an issue that is discussed or debated often in this House. This minister's government seems to be very preoccupied with the constitutional question. Yes, it is an important question. Yes, the economy is an important issue that ought to be addressed by the House of Commons, but so is the criminal justice system in Canada.

People are fed up. The De Villiers family is fed up. The Pollington family is fed up. The Woodward family is fed up. Victims of crime right across Canada are fed up with this government's attitude toward the criminal justice system. They are calling on this government to take immediate action in order to make sure that people at least have the sense that the government cares about law abiding citizens, innocent victims of crime in Canada, so that people will at least be satisfied that the government is addressing the issue.

• (1100)

We should not be placed in a position where unelected Supreme Court judges are telling this Parliament what to do because this government has negligently failed in its responsibility to legislate in the area of criminal law reform.

Getting back to this particular piece of legislation, the minister is only introducing the bill because a six to one Supreme Court of Canada decision told her to introduce this bill. If it was not for the Supreme Court of Canada and the majority decision, not only telling her to introduce this bill but also telling her how to introduce it and what type of bill ought to be introduced, this minister would still be sitting there concerned about the words to *O Canada* and whether or not *The Star Spangled Banner* is a better national anthem than the Canadian national anthem.

The minister laughs, but not only is Clayton Ruby ashamed of this particular Minister of Justice, Canadians across the country are ashamed. I call on Canadians to call the Minister of Justice and their Conservative members of Parliament to tell her and her colleagues to get off their butts and start getting serious about reforming the criminal justice system in Canada.

Madam Deputy Speaker: It being eleven o'clock a.m., pursuant to Standing Order 30(5), the House will now proceed to Statements by Members.

STATEMENTS PURSUANT TO S.O. 31

[*Translation*]

PERSONS WITH DISABILITIES

Mr. Jacques Tétreault (Laval-Centre): Madam Speaker, in early September, the Prime Minister announced in Winnipeg a national strategy for the integration of persons with disabilities. The hon. Robert de Cotret, the Minister responsible for the Status of the Disabled, stated that, on its own, no institution or organization can break down the barriers that prevent the full participation of persons with disabilities in the life of the community, that the co-operation of the provincial and municipal governments, volunteer organizations and many others is required.

Today, Madam Speaker, I want to stress the leadership the City of Laval has shown in 1987 when, recognizing the needs of the disabled, it embarked upon a vast program to provide them access to public facilities and services.

The mayor of Laval, Gilles Vaillancourt, said at the time that "to ensure that persons with disabilities enjoy a quality of life equivalent to that of other citizens is to restore a basic right."

Under the leadership of Monique Gauthier, a member of the town council, an access committee was established which developed an ambitious action plan and already has several achievements to its credit.

For 1991, the city has allocated $200,000 to the "*Accessibilité Plus*" program.

* * *

[*English*]

THE ECONOMY

Mr. Derek Lee (Scarborough—Rouge River): Madam Speaker, this country is in the midst of a deepening

[*Translation*]

Madam Deputy Speaker: The questions listed by the hon. parliamentary secretary have been answered.

Mr. Langlois: Madam Speaker, I suggest that the remaining questions be allowed to stand.

Madam Deputy Speaker: Shall the remaining questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

MEASURE TO AMEND

The House resumed consideration of the motion of Ms. Campbell (Vancouver Centre) that Bill C-30, an act to amend the Criminal Code (Mental disorder) be read the second time and, by unanimous consent, referred to the Standing Committee on Justice and Solicitor General.

Mr. Derek Lee (Scarborough—Rouge River): Madam Speaker, I am pleased to have an opportunity to address this important piece of reform legislation.

A little bit of background. This is not the first time in this House that we have taken note of the fact that our Criminal Code in many areas is vastly out of date and, in some cases, our Criminal Code has become crippled by reason of outdated concepts and procedures that have sat on the books over time and not been updated to take account of changes in the modern world and changes in conditions.

An example of that was an amendment last year to the arson provisions. Prior to that amendment, police and people in the private sector, investigators, and the insurance industry were having increasing difficulty convicting and laying charges successfully against arsonists.

One of the reasons for that is that when the current arson provisions were developed many years ago, almost as long ago as Canada itself, I suppose it is fair to say that perhaps the world did not even know exactly what fire was. There were elements of combustion not known to us then, facets of that physical and chemical reaction, consequently, we had in the Criminal Code really what was a layman's reference to setting of fires, and it referred to things like setting fire to standing crops and things like that.

Today we have crops that are in barns, in process, and we have many new ways to start fires, and we have many different types of fires. Consequently, a lot of the bad guys were playing a lot of games. Crown attorneys and police had a lot of difficulty.

Finally, after many years, and I know the initiative began long before I came to this House, that was put to bed and amended. That raises an issue about general criminal law reform and I would like to address that later in my remarks.

In any event, now we have an alteration to the wording governing procedures and definitions of the insanity plea, insanity procedures in criminal trials. I want to point something out here.

We have an alteration to the wording but not so much an alteration to the concept. There were certainly people in Canada who reacted when this bill was first introduced in the House. They reacted out of a fear that the provisions, as being proposed, were less strict and less secure from a public safety point of view than the provisions that existed before.

In my view, in terms of the definitions that is not the case. The proposals to restate what is insanity simply is a restatement in more modern language, more precise language, of what we all meant by insanity many decades ago.

To go back to what I referred to earlier, the concept of insanity in the 1800s was very ill defined. There was a judicial definition proposed, adopted and used over the years, but back in the 1800s we really did not even know all the diseases of the mind that existed. We are still learning but we know infinitely more now than we did then. We are much better able to define, to analyse and to know precisely what disease of the mind is in discussion when insanity pleas are raised.

I want to point out that this issue is not new, this issue of the insanity plea. I want to give credit to the Law Reform Commission of Canada for raising it clearly, crisply and forthrightly as far back as 1976.

It has been a long time since the matter was raised. We have coasted along for 15 years knowing that change had to be made. It has taken us this long, I do not know why, actually to address it and implement it. I am pleased that it is now before Parliament.

What gave rise to this now was not what happened 15 years ago but a Supreme Court of Canada case. It was in fact a Supreme Court of Canada charter case that triggered the justice ministry's initiative now to implement changes.

Let us therefore give some credit to the charter for pulling the trigger. The charter has been a great asset. It has been a bit of a burden but our rights should be regarded as assets to all of us. If it takes a bit of work to uphold them and make them real, viable and effective then that is a price well worth paying in our democracy.

The difficulty with the old insanity provisions and procedures revolved principally around the fact that when someone was found to be insane, the disposition and incarceration that followed a finding of "not guilty by reason of insanity" was indefinite. It was discretionary later on and in fact arbitrary.

If an individual was found "not guilty by reason of insanity", the person was regarded as ill, insane, and was confined to an institution at the pleasure of the Lieutenant-Governor of the province.

That sounds relatively safe for the public but for the individual who is confined once you go in, whether you are sick for a day or mentally sick for a year, you are there forever. It was indefinite confinement. It was based on the discretion, usually well-advised but who knows what advice was given, of Lieutenant-Governors from time to time in all of our provinces, and it was arbitrary.

Somebody, not specifically delegated by a statute of this House with specific criteria and procedures for making a judgment, but an *ad hoc* body that developed under this whole procedure, would decide whether the individual, male or female, young or old, would be released from these institutions. That was a problem recognized some years ago, as I mentioned and it took a charter case. The charter case might have had some public funding behind it. After looking at the facts of the case I will make that guess. There was a lot of interest in it and it was pursued up to the Supreme Court level. That was the trigger that finally caused the Minister of Justice to do something after 15 years. I will give credit for the doing but not for the delay.

• (1230)

What are the issues of concern to the public here? I think there are two. I have referred to the issue of indefinite confinement. It is simply not right to confine indefinitely a person who steals a candy bar while indefinitely confining a person who has killed. That is wrong. We recognize that.

This bill proposes confinement periods that match as best we can the confinement periods if the person had been convicted of the offence. For example, the theft of a candy bar is what would be called "a theft under". "A theft under" receives the low threshold of punishment. I do not think we confine people any more for a first offence theft of a candy bar.

Under the old law of insanity if a person was insane at the time they stole the candy bar, they could be institutionalized in theory forever or until someone made a decision that they should not be there.

There are three categories of confinement. There is the life sentence for murder category, the danger to public safety category with a maximum confinement period of 10 years,and for all other offences there is a maximum confinement period of two years. Therefore the candy bar thief who is insane—I am using the old term here because we have now proposed a new term—cannot be confined to an institution for more than two years.

The second issue of concern is public safety itself. I do not want to underestimate that. Perhaps I should have mentioned it first. It is not a conceptual issue. It is a real issue. There is real fear on the part of citizens in Canada. It has been communicated to me and it has been communicated to my colleagues in the House. We are very aware of the fear on the streets of Canada that the judicial, correction or criminal justice systems are not serving the needs of public safety. The people at risk are innocent Canadians across the country who may fall victim to an individual who really should not be on the street at the time.

There are a lot of examples. Unfortunately there are too many. One is too many. There are instances of people who were part of the judicial process, the corrections process, or the judicial interim release process who killed innocent Canadians while they were supposed to be a part of that process.

There is the case of Daniel Gingras in Edmonton about four years ago, the Conter case in Toronto, and recently the de Villiers case in Burlington. The last one did not involve a corrections matter, a person who had been convicted of a serious crime, but it did involve a person who was apparently relatively free, doing whatev-

er he wanted, while he was on bail after having been charged with another less serious offence.

The real question related to this bill is public safety. We accept the charter rights of these individuals who have been found to be sick. However, the public spends the money to put in place a criminal justice system, not to play games with the charter, not to have lawyers debate in courtrooms. It is not a make-work program. The justice system is there to protect society. That has to be the first priority.

I am sure most reasonable Canadians would accept the balance involved. When a person is not convicted there is a right to freedom before conviction, but there is also the question of public safety.

There is a grey area. There has to be a balance. I am sure most Canadians will accept that until a person is convicted they are presumed not guilty. In all of that decision making in courts in Canada every day we have to consider public safety.

However, after a conviction the rights of the person who has been convicted have to take second seat to public safety. That is why the system is there. That is why we have a Criminal Code. That is why we have punishment. That is why we have institutions.

Canadians are insisting on that and I want Canadians to know that we on this side of the House are very concerned and sensitive to that. I know there are members on the other side of the House who feel likewise. They want a system in place they regard as fail-safe. They cannot afford mistakes. We cannot afford mistakes. When we create electrical power in a nuclear generating station, we have many systems in place to protect the public and ensure physical safety. That is how we ought to regard dangerous offenders in our criminal justice system. They are more dangerous than a small piece of nuclear fuel and they can do a lot more damage.

We want systems in place that treat Canadians with as much respect and with as much concern for safety and concern as we do radioactive rods in a nuclear reactor. Canadians ask for that and we can give them no less.

In this bill we have created a new label for people we used to call insane. It was proposed that out of concern for this public safety issue we create a category called dangerous mentally disordered persons. That is a label required by the public safety issue we have been addressing. We must find a way to label and categorize some of these ill people as dangerous mentally disordered persons. That is what the new bill will do.

At present in Canada there are approximately 1,100 persons being held under the warrants issued by courts when they were found not guilty by reason of insanity. That is a fairly large number. One issue that concerns me is what protections are there in place for the public in dealing with these 1,100 cases as we move from the old system to the new. It is an issue I am not able to discuss in depth here in the House because it has not been dealt with at committee.

We on this side of the House will support this bill at second reading so that it can go to committee and these matters can be addressed. We need a detailed discussion, commitment, and procedures to ensure that as we go through a transition period the people held on warrants are treated with respect, are accorded the rights due to each of them under the charter, and that there are no undue risks associated with their release. I might say that in theory each of those individuals might have the right now to go to a court and demand that they be released, that is on the assumption that they could find someone who would advocate for them. I do not know whether it is possible for someone who is ill and declared to be ill, in that state, actually to go individually to a court. Certainly they have next friends and legal representatives who could do that for them. We have to make sure this transition is properly handled.

• (1240)

I want to point out that the public safety risk issue is very much before the House now. It is certainly before the justice committee. I take note that it is the intention of the government to refer this bill, after second reading, not to a legislative committee but to the justice committee.

Although I have sat on the justice committee and continue to, there is an awful lot of work there that I think is an appropriate disposition. The justice committee for approximately five or six years has been following this issue very closely. It is probably true that most of the individuals on the justice committee now are well equipped. They have been brought up to speed to deal with this issue.

It is not just this Parliament. I take note that there was a report of the justice committee tabled in this House in 1987 or the early part of 1988 called "Taking Responsibility". It was a very comprehensive, detailed investigation and report on the matters involving Corrections Canada and criminal convictions.

The government was unable to reply to that report because we went into a general election in that year. After the election the new justice committee on which I sat cared so much about that report that we re-adopted it, and that is a very rare occurrence. Those who discuss the details and fine tuning aspects of parliamentary law might question whether or not that was appropriate, but the current committee felt so strongly about the need of the government to respond that it was re-submitted and tabled in this Parliament. We are still waiting for a reply.

However, I am told and I understand that the government is, albeit very late in the day, coming through with responses to those things. Just yesterday the government replied to the justice committee's hearings on the three-year review of the gating provisions of the Criminal Code and Corrections. This also involves the Parole Act. These are the provisions that enable the corrections system to prevent the parole of an individual who would otherwise be entitled under the existing law to that mandatory supervision portion of his or her sentence. I am pleased to note that the government had accepted virtually all the material provisions of that justice committee report.

Let me wrap up by chastising the government for foot dragging. We have 15-year delays, 10-year delays, 5-year delays. We hope to revisit as well the bail provisions of the Criminal Code at an appropriate point in time. I intend, in my area of activity, to make very sure that the public safety and risk issues are dealt with properly in this bill and in other legislation hopefully to come before the House.

Mr. Len Hopkins (Renfrew—Nipissing—Pembroke): Madam Speaker, I rise to speak on this debate this afternoon because I feel, as I am sure everybody in this House does, that this is one of the most fundamental problems of our present day society. A society that cannot live without a state of fear is not a free society.

It has been discussed here before today that this bill is the response by the government through the Minister of Justice to the striking down by the Supreme Court of Canada of Criminal Code sections that dealt with mental disorder.

It is certainly unusual for the Supreme Court to have made the decision or to have given the Government of Canada six months to bring in a new law or risk judges releasing all those persons found not guilty by reason of insanity. As one person noted, this could include those who may well be a danger to the public. That is the crucial point of this entire bill.

The part of the Criminal Code that was struck down should be put on the record here so that the purpose of it is fully understood. That is section 614(2) of the Criminal Code which reads: "Where the accused is found to have been insane at the time the offence was committed, the court shall order that he be kept in strict custody until the pleasure of the Lieutenant-Governor of the province is known". In particular, with this section the Supreme Court of Canada decided that Lieutenant-Governor's warrants were unconstitutional.

There are a number of other reasons dealing with this, but I will go to the final one: "The decision indicates that the old law failed to distinguish between those who are still dangerous to society and require hospital treatment and those who could be safely released to the community".

In other words, they are all being put in the same category. The challenge that this legislation brings in is to separate those who are in fact very dangerous and require hospital treatment from those who could safely be allowed to be in the public domain.

The purpose of this bill is to ensure that mentally disordered persons are not deprived of their charter rights by being confined for a mental disorder without a fair hearing and a regular review of their case. In other words, once persons are sentenced they cannot be expected to be there for life if indeed their health improves.

The second point was to create a wholly new category of dangerously mentally disordered persons and to protect the public from those who come in conflict with the law.

With regard to the new charter of rights amendments, the first point was to give the provincial review boards some teeth. The boards will make case-by-case decisions

on care and detention provisions. Another very important one would be to replace indeterminate custody with maximum detention periods that are applicable: for example, murder, for life; danger to public security or the security of the state, 10 years; and all other offences, 2 years.

There are some concerns here. Whenever we pass a new law, we are all fully aware that if we do not have the facilities in place so that that new law can be practised effectively then the legislation is in danger of not succeeding with the intent that it brought in, in the first place.

For example, there was testimony before the justice committee on Bill C-67 respecting the detention and parole provisions. Review consistently indicated the lack of facilities and treatment for inmates with sexual or psychiatric problems. There is a lack of facilities and there is a lack of staff. The intent of the bill may be laudable but there is a gap between intent and reality with relation to this particular bill that we are studying today.

The government has consistently attacked our social programs and has been throwing the burden to already overstressed provincial systems. Will this bill add to the burden? That is the question.

• (1250)

Then there is the area of public security. The general intent of the bill is to release as many persons as possible to community based programs and services. However, if the preventive and security measures in the bill fail, the ramifications of failure can be death. Then we must have the facilities in place to handle these people effectively and fairly so that the justice system itself will not fail. The Young Offenders Act will be amended to reflect the special needs of youth in placement and disposition.

This is a very important piece of legislation that we are dealing with here today with regard to public safety. I just want to say in general terms about this bill and the circumstances surrounding it, that we are very familiar with the fact that drugs in Canada have been one of the root causes of many people's mental disorders. We must support the law enforcement agencies of this country, whether it is within our own community, or whether it is in the nation as a whole. Our law enforcement agencies have got to receive public support in this country if we are going to expect them to do a job.

In today's society where we have so many criminal activities going on, where we have major operators in the drug business, where we have them utilizing students in high schools and yes, elementary schools as peddlers, and where we have people roaming the streets who pretend to be the epitome of honesty and integrity and some of them end up to be drug peddlers, there is nothing more important to a free society than to have a legal administration in place to support a law enforcement agency and agencies, to bring about law and order within our country.

Indeed, this bill, if we want to carry the ramifications further, goes right through to the international drug trade because that is where it all begins, the smuggling of drugs and getting them into the system.

The public of Canada should be outraged at some of the things that are going on and should come forward to support the law enforcement agencies in their communities. They should find out what they can do to help.

We have block parent communities where we support people when they are in trouble or in danger. We have got to extend that to a more effective way of helping police authorities in this country with any information that we find out about who is peddling drugs or working with drug peddlers in the community. That is very important.

When we are doing that, we are not tattling. We could be saving several people's minds from the effects of drugs which will give them a mental disorder for the rest of their lives. As far as I am concerned, no punishment is great enough for those people who want to perpetrate that on any citizens in a free society.

We can only have freedom, as I said before, and it can only be enjoyed by everyone if everyone respects the other person's right to live in a free society with the absence of fear. The same thing pertains to this very finite decision, very precise decision that this bill requires of medical knowledge and that is, which criminals get off because of insanity or which people are charged and get off because of insanity belong in a hospital and which ones are free to go out on the streets. It places a big load on medical judgment and it is one that is going to have to be handled very precisely.

So, Madam Speaker, while we congratulate the government for bringing in this bill, the subject matter requires that this Parliament deal with it quickly and effectively and that the concerns in it be discussed in committee stage. However, it is important to get this bill in place. Indeed, we should not end there, but it will undoubtedly be looked upon as an experimental bill and there may well have to be amendments to it in the not too distant future. If that is the case, that is what Parliament is here for but it is urgent we move forward at this time.

Madam Speaker, I want to thank you and the House for giving me the time to express some views because I think there are far more ramifications out there than just this bill itself. We have got to look at the causes that create these things in our society.

Mr. Jesse Flis (Parkdale—High Park): Madam Speaker, I would like to make a brief comment on what the hon. member for Renfrew—Nipissing—Pembroke said. He said, and very accurately, that many of our mental disorders are caused by substance abuse. That reminded me of a recent call I received from a constituent, a father in his 60s. He is looking after his son who is in his 40s. His son was caught for drug peddling 10 years ago. He got a very lengthy sentence, served his sentence and the father admits his son did wrong, his son paid for it, but the tragedy of the incident is that the son is now at home. In the almost 10 years that he was in prison they did not teach him or assist him with any skill. So here is a person with very severe brain damage who cannot go and work. His father is very worried because he is in his 60s. He says: "I am not going to be here too long, who is going to look after my son who is in his 40s and is not trained for any kind of employment?"

So in all of our debates, I hope we will remember the importance of rehabilitation. We cannot stress that strongly enough.

Mr. Peter Milliken (Kingston and the Islands): Madam Speaker, very briefly, I simply want to say that I am pleased the government has finally moved on this matter.

The government issued a white paper for discussion purposes on this subject some years ago. Because nothing was being done and the subject was clearly one that was important, I introduced a bill in this House, Bill C-295, on April 11, 1990 in the second session of this Parliament. Unfortunately the bill, being a private member's bill, never proceeded because I never won a draw until last week and that was on a motion, not on a bill.

I reintroduced the bill on June 10 of this year in an effort to spur the government to action, the same bill, Bill C-228, which is standing on the Order Paper. I just want to indicate that when this bill is adopted by the House, as I assume it will be, amendment or otherwise, I will withdraw the bill that I have on the Order Paper.

Mr. Mac Harb (Ottawa Centre): Madam Speaker, I just rise to make a few comments. I understand that the minister is quite anxious to get this bill through the House.

As my colleague indicated on behalf of our caucus, we are supporting this bill in order to get it into a committee, but I have a few comments to make on it.

• (1300)

I think the minister as well as the government should look at the aspect of prevention as a very important component of any legislation that is introduced at the federal level, especially in light of the fact that we have a constitutional discussion where the provinces are finding themselves more and more taking on responsibilities that the federal government in the past was responsible for.

There is the whole question of the mentally disabled or the otherwise able person who gets into trouble. Madam Speaker, if you would just give me a second to tell you something about a gentleman in my area of Ottawa Centre who made a comment about the homeless last year, the people he received as clients. When he was asked, he said he gets a whole range of people caught in the cycle of poverty. They have addictions, drug or alcohol, they are unemployed, they have learning disabilities, they have been victims of spousal abuse. Many have psychotic illnesses.

These are some of the people who go to shelters in my area of Ottawa Centre. These are people who go to shelters all across Canada. In fact, there are in excess of 200,000 people in our country who are considered to be

homeless. Many of those people fit within the definition of this gentleman who defined the people as his clients.

Many of those people go to the shelter for one or two nights and then eventually they move on to another shelter. In any event, one finds them sleeping on the streets, in shopping centres, in garages, abandoned cars. In many cases the weather could be as cold as minus 40 degrees.

Some of those people get so desperate that they get in trouble. Many of those people, especially the mentally disabled, who end up in those shelters are coming from an institution that probably had looked after them for a given period of time and eventually they found themselves on the street.

I want to give one example. In the Ottawa area, we have the Royal Ottawa Hospital where patients are admitted to the hospital for a short period of time so a physician might assess them, and they would have options. Either they would be sent to a regular hospital and/or they would be sent to a hospital nearby, in this particular case in our area to the Brockville Psychiatric Hospital.

Those patients might stay in the Brockville hospital for a month or two, serve their term, and eventually they are sent back home. Between the Royal Ottawa Hospital and the Brockville Psychiatric Hospital there is absolutely no mechanism to support those people. Therefore, when they are out on the street, there is no mobile system that works with the shelters in my area in order to provide them with the kind of assistance they might need, the kind of counselling they might need.

Many of those people get in trouble. Many of those people, I might add, if there had been a support service in place, would have felt better off. I think it is extremely important for the federal government to work with the provincial governments in order to set up some sort of support system that works with hospitals that provide care on a short-term basis or on a long-term basis, such as the Brockville Psychiatric Hospital. Also, the government should work with agencies such as shelters in order to deal with this incredible problem.

There is no doubt in my mind that in the long run, prevention is what is needed, providing shelter for those people and providing them with the kind of support services they might need.

I think the minister of health should get a copy of the transcript and try to approach the provincial governments to find out what can be done in this area of prevention. I am sure she will find that it is a major problem. In fact, it is one of the biggest problems we are faced with in urban centres. While there are no specific statistics on the number of homeless who might have those mental or other problems, I think this is an urgent matter for the minister to consider in her consultation. I would suggest that in the long run the whole of society will benefit from that.

In closing, I want to congratulate both my colleague, the member for Moncton, and the Minister of Justice on working collectively in order to make sure this bill is law.

Madam Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

Mr. Speaker: Is it the pleasure of the House to adopt the motion?

Motion agreed to, bill read the second time and referred to the Standing Committee on Justice and the Solicitor General.

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FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

MEASURE TO ENACT

Hon. Marcel Danis (for the Secretary of State for External Affairs) moved that Bill C-27, an act respecting the privileges and immunities of foreign missions and international organizations be read the second time and referred to Legislative Committee E.

He said: Madam Speaker, this bill combines and abates two existing acts dealing with privileges and immunities, the Diplomatic and Consular Privileges and Immunities Act and the Privileges and Immunities International Organizations Act. It will also assist the Canadian Government in its efforts to obtain favourable treatment for the overseas offices of Canada's provinces by permitting, for the first time, the granting of limited privileges and immunities to offices of sub-units of foreign states which, on a reciprocal basis, grant the same treatment to offices of Canadian provinces.