

Government Orders

Mr. Harris: Mr. Speaker, I rise on a point of order. On this important debate, I just wanted to ask the Speaker to check and determine whether quorum is present in the House.

• (1645)

The Acting Speaker (Mr. Kilger): I see a quorum. We will resume debate. We will go to the next stage of debate where members will have 20 minutes for their interventions subject to 10 minutes of questions or comments.

Ms. Hedy Fry (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I will be sharing my time. I am glad of the opportunity to speak to this bill. I am excited about what Bill C-41 means and seeks to accomplish for all Canadians.

This follows years of law reform commissions that have spoken clearly on the need to find a purpose and principle for sentencing. This justice minister and this government is finally doing something about it.

I do not understand why it is that third party members of the House oppose the bill with such vitriol and emotion. What do they disagree with? That is what I would like to know. Do they disagree that sentences should denounce unlawful conduct and deter others? Do they disagree that sentencing where appropriate should separate the offender and safeguard society? Do they disagree with rehabilitation and accepting responsibility for one's crime?

Surely they must agree that reparation to the victim as a first priority is important. What is there to disagree with? Is it that the punishment must be proportional to the severity of the crime and to the degree of responsibility of the offender? Would the third party have us give generic sentencing regardless of age of offender or gravity of crime?

Should a nine-year old be as culpable as a 25-year old? Should traffic violations be punished in the same way as second degree murder?

Excuse me if I wax sarcastic here but the purpose and principle of sentencing in the bill are so logical, so common sense, that I have a hard time understanding what the opposition is about.

There are three other provisions of the bill that I would like to address today: first, the section of the bill which provides for measures that are alternative to incarceration; second, those aspects that address victim's rights in the sentencing process; and third and most important, I will speak to section 718 of the bill that lists among other things aggravating factors that would lead to an increase in the severity of the sentence.

Alternative to incarceration is logical. It is sensible and it says in a nutshell in language that even I, who am not a lawyer, can understand that one ties sentencing to the severity of the crime.

It simply says that people who present no threat to society should not be incarcerated and should be offered an option for conditional

sentencing, that they should pay their dues within the community with due supervision, to do community and victim restitution.

If a fine is involved—one-third of people in provincial jails are there purely because they could not afford to pay their fines—and they cannot pay, the provinces can revoke licences or permits or they can set up a formula for repaying the fine in hours of restitution to the community.

If third party members do not believe in the common sense and fairness of this, surely they must agree with the economic logic. It saves the taxpayer the expense of incarceration.

The second part of the bill that I want to talk about, section 745, deals with the victim and sentencing. The impact of crime on the victim, the family and the caregiver is going to be important and it is going to be held and taken into consideration in sentencing.

It helps the offender to see the real effects that the impact of the crime had on real people. Surely that fulfils the principle of responsibility of the offender because it makes an offender directly responsible to the victim, to pay restitution to the victim or family. It places this as a priority above all else.

I do not understand what it is that a third party whose members sit in the House and tout themselves as the advocates of the victim over and over could disagree with this part of the bill.

Finally, I want to speak to section 718.2 of the bill. It is the most controversial part and the third party members really oppose it if we want to get down to brass tacks. It takes into account the aggravating factors in sentencing. These are simple and clear. They are: crimes of abuse, of position, of trust or authority. These would be seen as an aggravating factor. I will read this. "Evidence of the offence was motivated by bias, prejudice or hate based on race, national ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor".

• (1650)

I want to pick up on two terms: evidence, and any other similar factor. I have heard it said in the House by third party members that we are on a witch hunt. We are paranoid. We are going to charge anyone who beats up on anyone because we are going to think it is done because of hate. However there has to be evidence after the person has been found guilty that it was done because of hate. That is clear.

We just heard the previous speaker mention the fact that he felt we were setting up separate lists of people and giving certain people special status over others. He mentioned fat people. There is a part of section 718.2 which says similar factor. Similar factor takes into consideration anything which is missing from the list. The hon. member should really wonder about the whole thing. I wonder if he has read the complete bill.