

*Private Members' Business*

We in Parliament have to stand up for the innocent civilians. We have to stand up for their rights. We have to ensure their rights will not be subjugated to the rights of the criminal. That has been going on for too long. It cannot continue to go on. We must ensure innocent people will be protected. That is the purpose of justice now. It is the purpose of justice in the future.

With permission, Mr. Speaker, I ask for unanimous consent of the House to make my bill, Bill C-301, votable.

• (1755)

**Miss Grey:** Mr. Speaker, on a point of order, I do not want to take up much of the House's time. Earlier I was named by the member for Madawaska—Victoria.

After the pension debate I did go over. I had challenged members to a debate, so I went over and we did have a rather heated discussion, I must confess to that. The member told me that I was not worth what I thought I was worth and that we could have a debate any time. That was fine. Then when we got rather heated she turned around to go back to her seat after she had called me a name and I just grabbed her and said "Come on, be real". I thought she was tripping off the step.

As I was named, I thought I should get up and say that this is ridiculous. Let us move on with the country's business.

**The Acting Speaker (Mr. Kilger):** I say respectfully to both parties I ruled at the time and continue to rule it is not a point of order.

Let us go back to the matter of the private members' hour and the motion from the member for Esquimalt—Juan de Fuca, who at the end of his intervention was asking the House for unanimous consent to make his motion votable.

Is there unanimous consent?

**Some hon. members:** No.

**The Acting Speaker (Mr. Kilger):** Resuming debate, the hon. member for Halifax West.

**Mr. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, I agree with some but certainly not all of the comments of the hon. member for Esquimalt—Juan de Fuca.

We should look at what Bill C-301 does. First, it would apply when an accused has two previous convictions for any of the 15 offences listed in the bill. Bill C-301 eliminates discretion of the court in sentencing the offender for the commission of a serious indictable offence.

I understand that violence in our society is an important problem, and I do not disagree with the intent here, but let us look at this for a moment. This response has some attractive-

ness; it is certainly simple and seems to be a very clear response. Is it the right answer to this problem?

It is true that all human institutions have human failings, so our courts are not perfect. However, by and large, if I read through decisions and look into the depth of the cases, I and most people also would find the same things, that we agree with the sentences if we actually have all the facts before us. One problem is that very often we only have a few very simple and limited facts about the case and the decision. Sometimes it seems the simplest answer is sometimes also the wrong answer.

It is noteworthy that all the offences listed in this bill already carry the maximum sentence of life imprisonment. In other words, the judge already has the power to impose life sentences for any one of these offences, let alone for three. Although he does not have to, he has the authority to do so, and to take into account various factors in deciding on the appropriate sentence. This reflects the basic principle of let the punishment fit the crime. And it should. It means the key decision maker in matching the penalty to the crime is the individual who was there to see the case and all the facts of the case, the judge.

I know we will hear the argument that a pattern of three serious offences is enough to prove that an automatic life sentence does fit the crime, or at least the pattern of crime. To make a life sentence mandatory for offences other than murder or treason is a significant and I think ill-advised departure from our criminal law.

The Criminal Code currently provides for a mandatory life sentence for first or second degree murder or for high treason. There are other mandatory minimum sentences, but they are the exception in our criminal law. Mandatory life sentences are extremely rare.

I refer my colleagues to the report of the Canadian Sentencing Commission, "Sentencing Reform in Canada: The Canadian Approach", chapter eight, in which the commission opposed mandatory minimum sentences on the grounds that they diminish the role of the judge and can therefore result in arbitrary punishment and other inequities.

As an alternative to mandatory minimum sentences, the commission set out a number of sentencing principles, including this statement at page 154 of its report:

The paramount principle governing the determination of a sentence is that the sentence be proportionate to the gravity of the offence and the degree of responsibility of the offender for the offence.

• (1800)

It seems to me that is as it should be. From Bill C-41, the sentencing bill now before the House, I refer to section 718(1): "A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender". The government is already adding that provision to the law with Bill C-41.