

*Government Orders*

The common thread in these new powers is that all are to the benefit of the offender in the sense of non-custodial consequence for criminal actions.

Where sentencing reform calls for protection, this bill offers platitudes. Where it calls for clarity, it offers confusion and outright hypocrisy. Given its previous life as Bill C-90, [from the Tory administration] it is in no way a creature of this government yet if passed, it will certainly be identified as just that. It will almost certainly cause the already skyrocketing criminal justice budget to expand further still, in particular, the fastest growing component of that, namely legal aid.

When all is said and done and when one considers the truly great challenges the justice system faces in real crime prevention and protection of the public, it is tragic that this bill occupies debate while other legitimate issues are ignored. This, too, will be the legacy for the government should this bill be passed into law.

In concluding this report, the Canadian Police Association says that:

Bill C-41 is confused, contradictory and in large part wholly unnecessary. It is a blatant example of what a former Liberal member of the justice committee described as smoke and mirrors legislation. It is put forward as meaningful sentence reform but it is only that in the sense that it will generate endless litigation with huge attendant costs for little or no purpose. It is a blatant example of our worst tendencies in criminal law amendment in that it is impractical, badly drafted and will produce results wholly inconsistent with the overwhelming majority of Canadian sense of what needs to be done.

It is a bill that was not created or refined in any sense by the political response of elected members of the government who will be responsible to their constituents once its results are made clear as they will be.

In these days when so much needs to be done to prevent crime from occurring in the first place and to provide protection to society from those chronic violent offenders, Bill C-41 is and will be an embarrassment.

As I think about why the government is putting forward Bill C-41, I am compelled to ask the Parliamentary Secretary to the Prime Minister what is the justification for this bill. I can only assume that it is to assuage the interests and the demands of the politically correct movement that you so capably represent.

• (1925)

**The Acting Speaker (Mr. Kilger):** Order. Once again I remind the House not to refer to one another as you. Interventions should be made through the Chair.

I also remind the House that the hon. parliamentary secretary has only one minute left to respond.

**Mr. Mayfield:** I do apologize.

**Ms. Augustine:** First of all, Mr. Speaker, I accept his apology because that is the kind of person I am and this is the kind of debate that brings out the worst in members as we address those issues that face society.

We are talking about the kind of society where there is respect for diversity, where there is respect for the individual. We are talking about measures that have within them preventive, rehabilitative and other measures.

The bill before us would ensure the function of our communities, as I said in my remarks, and would ensure the safety of every individual within society regardless of race, colour, creed, national-ity, age, sex or sexual orientation.

I think the member has difficulty with this. I can quote from other sources that speak in very positive terms to the bill.

**Mr. Walt Lastewka (St. Catharines, Lib.):** Mr. Speaker, I am pleased to speak on Bill C-41, first because I believe this bill is very important in protecting and promoting the rights of victims and second, because there are many misconceptions about this bill. Yes, the inclusion of the term sexual orientation in the bill has caused some people concern. Some of my constituents are concerned. They fear this may somehow promote a homosexual lifestyle or it may result in restrictions on religious speech or change the Criminal Code to make things such as pedophilia acceptable.

First I would like to address those questions. Bill C-41 is a sentencing bill. Its aim is to deal harshly with offenders who commit serious crimes and to provide educational or community service programs for non-violent offenders.

Section 718 of the bill proposes that aggravating circumstances should be taken into account in sentencing. The bill outlines that if the crime is committed because of hatred or where an offender abuses a position of trust, this hate or abuse of power shall be considered an aggravating circumstance and therefore will be dealt with more harshly.

The bill outlines that hate crimes can be committed based on hatred for someone's race, nationality, colour, religion, sex, age, mental or physical disability or sexual orientation.

I want to state clearly that I believe hate crime is intolerable in any form and we must take proactive measures to remove hate from our society. I strongly support measures which will send a clear message that crimes based on hatred will not be tolerated but will be punished harshly.

However I am a strong believer in the family and I am also concerned about the potential erosion of family values through the use of the term of sexual orientation. Based on these concerns and those of some of my constituents I wrote to the Minister of Justice and asked these questions very clearly: Does the bill have any effect on the issue of same sex benefits or adoptions? Could the courts interpret sexual orientation to include pedophilia or other deviant forms of sexuality? In regard to same sex benefits and adoption the minister has clearly stated the bill is not relevant to those items. Cases have recently been before the courts on these issues but Bill C-41 has no affect on same sex benefits.