

Government Orders

That is the reason I am proud to speak on the bill and I am proud to be a member of the government that has introduced it.

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, I have two questions I should like to put to the hon. member who is known to be an eminent lawyer.

Members of the Reform Party have suggested that in section 718.2 certain groups are favoured over others. For example, if people are attacked or a crime is committed against them because of their race, national ethnic origin, language, et cetera, they are favoured in sentencing over people who do not belong to the groups listed. In committee we amended that section to add the words "or any other similar factor" so that there would now be no limitation on the groups to be considered under the hate crime provisions.

Now, with that amendment made in committee, if people were attacked because they were bald, fat, Liberals, or Reformers, they would be taken up in the new wording added in committee "or any other similar factor". I would ask the hon. member to comment on that.

Second, it has been suggested that even if we were to include all other groups, why should we have a harsher sentence for a hate crime against a group than for a hate crime against an individual. Is it not true that if in the Criminal Code the maximum penalty for a crime is 10 years, 15 years or life—and I give the example of the Reform Party member of people in his town going down the street and beating up people because they are hateful, not because they are hateful against the group—the judge can give the maximum sentence? If it is 10 years he can give 10 years.

This clause states that if he was to give five years rather than the maximum he might give two more years; he might give seven years. If it is a crime against an individual, could the judge not give the full maximum sentence even though no hate under this section was allowed?

I will put those two questions to the hon. member.

• (1715)

Mr. Graham: Mr. Speaker, I think those are two very good questions from the learned chairman of the justice committee.

We are struggling here trying to understand our role as parliamentarians with respect to giving instructions to courts and judges on how to review these cases. The hypothetical case the member has put illustrates clearly that what the judge is being called upon to do is weigh this in his or her mind to determine the social evil there and be able to add to the sentence that would otherwise be handed down. There is no question that if the assault is particularly vicious and if the assault calls for the maximum penalty, the judge is

perfectly at liberty to give that penalty to anyone who commits an assault.

We are seeking to give our judiciary the opportunity to send a signal to society. The purpose of sentencing is to send signals to society; it is not just retributive justice. The purpose of sentencing is to send signals to society as to what conduct is tolerable in a civilized society and to enable the court to give extra time for such behaviour to indicate to people that this type of behaviour will not be tolerated. That is precisely what the member's question illustrates, that we have here an opportunity that will enable our courts to speak to the issues and deal with them. In that sense, it is a very intelligent addition to the rest of the sentencing bill.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the connection I cannot get from the hon. member is when he says that when they do these things we are going to get tough and we are going to do this, and that will deter it. Well, for two years I have been saying that we have to get tough on people who murder or sexually assault people.

My friends from the Bloc say I want to throw everybody in jail, lock them up and throw away the key. My friends from the Liberal Party say no, that is not the answer. And now all of a sudden it is? What has changed? Why is it not applied to everybody when these laws are being made? Why say that this particular situation was motivated by that, therefore we are going to sock it to them, and this situation was motivated by nothing, so we are going to take it easy? One is just as dead as the other. The whole thing has to stop.

When are we going to address the whole picture and quit picking on little areas?

Mr. Graham: Mr. Speaker, I have some sympathy with the member's position. There is no question that we do not want to tolerate the type of anti-social behaviour he referred to. But the member is totally ignoring the incredible importance in this of being able to deal with other social causes.

Mr. Thompson: They do it now. They already do it.

Mr. Graham: We have provisions in our Criminal Code that make it illegal, for example, to preach hatred against others. These are issues that go to the root causes in society.

Earlier I referred the member to the problems in the former Yugoslavia. We are looking at problems in the world today that he and I lived through as we watched a world war evolve and watched the hatreds in sectarian areas around the globe evolve. This bill is seeking to deal in an intelligent and I would suggest a very well thought out way the root causes of those evils, which extend beyond the consideration of the mere issue of violence to which the member is referring.