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Wednesday, February 15, 2012

Speaker: The Honourable Andrew Scheer

The Deputy Speaker:

Order, please.

The Parliamentary Secretary to the Minister of Justice.

[Translation]

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC):

Madam Speaker, I am proud to speak today about minimum sentences.

[English]

As mentioned last November, in response to a question from my hon. colleague from Mount Royal, this issue has been discussed on several

occasions, not only in this House, but also before the Standing Committee on Justice and Human Rights.

As a former minister of justice, he knows I cannot comment on a case still before the courts.

[*Translation*]

In May 2011, Canadians gave us a clear mandate. They want to live in healthy and safe communities. In our opinion, the government's main focus must be on victims of crime who, from a financial perspective, pay most of the price of crime.

(2000)

[*English*]

The strong mandate this government received from Canadians in May 2011 included support for our commitment to table comprehensive legislation that would reintroduce several law and order bills, including those that proposed mandatory minimum penalties for child sexual offences and for serious drug crimes.

Bill C-10, the safe streets and communities act, includes reforms from nine previous bills. Bill C-10's proposed amendments would make communities safer by extending greater protection to the most vulnerable members of our society, enhancing the ability of our justice system to hold criminals accountable for their actions, and helping improve the safety and security of all Canadians.

The government's approach is balanced. It addresses prevention, enforcement and rehabilitation, and respects the rights of the accused while also respecting victims' interests, as well as community safety. This approach reflects the reality that Canadians lose faith in the criminal justice system when they feel the punishment does not fit the crime.

It appears to me that the member opposite contradicts the position of his own party when he criticizes the proposed mandatory minimum penalties that this government proposes to better denounce serious crimes, a policy supported by premiers and attorneys general across Canada.

For instance, former Bill C-54, which has been reintroduced as part of Bill C-10, the safe streets and communities act, and which proposes mandatory

minimum penalties for sexual offences committed against children, received the support of all parties at third reading.

I often hear the opposition referring to studies that unequivocally demonstrate the ineffectiveness and excessiveness of mandatory minimum penalties. With all due respect, this is hardly conclusive. There is research that suggests mandatory minimum penalties are not effective. However, other research indicates there is evidence that mandatory minimum penalties have had positive effects on serious offences, such as impaired driving.

Another argument the opposition continually relies on to criticize either the use of mandatory minimum penalties or the restrictions on the availability of conditional sentences is the impact such proposals would have on prison populations and the related cost implications.

The government has always been clear that the cost of protecting victims far outweighs the cost implications of such reforms. Although there is a cost to having proportionate sentences, there is also a significant cost to victims and Canadian society as a whole.

In 2008, crime in Canada cost an estimated \$99 billion, the majority of which, \$82.5 billion or 83%, was borne by the victims. Victim costs include the value of damaged or stolen property, pain and suffering, loss of income, and health services.

This government has a clear and strong mandate to ensure that Canadians are better protected from dangerous criminals by ensuring that they are not permitted to serve their sentence in the comfort of their homes.

Mandatory minimum penalties will ensure clarity and consistency in sentencing, while at the same time ensuring that perpetrators of serious crimes do not reoffend during the period of incarceration.

It is time for all members to recognize the significant impact that serious and violent crimes have on Canadian communities and victims.

Hon. Irwin Cotler:

Madam Speaker, my question was prompted by the fact that all of the available evidence, including that from the Department of Justice itself, shows that mandatory minimums are excessive, disproportionate, ineffective, costly and do nothing but increase prison populations. The question still stands. This week an Ontario Superior Court judge confirmed

that mandatory minimums are a failed policy. Indeed the judge said in this case that they would be “fundamentally unfair, outrageous, abhorrent and intolerable”.

Moreover, the Minister of Justice has an obligation under the Department of Justice Act to ensure that legislation comports with the charter. I have heard nothing from the parliamentary secretary this evening that rebuts any of the preponderance of evidence, that says anything about the unconstitutionality of the legislation, or that addresses the question of costs, in that mandatory minimums will exceed the costs.

At the end of the day the question remains unanswered, and I can understand why. The preponderance of evidence is simply against the position of the government.

Ms. Kerry-Lynne D. Findlay:

Madam Speaker, I would like to respond to some of the opposition's criticism to the government's efforts to ensure that serious crimes are adequately punished.

Our government intends to ensure that serious crimes, including violent crimes, result in sentences that appropriately reflect the seriousness of the offence and the degree of responsibility of the offender.

(2005)

[*Translation*]

To that end, our Bill C-10 would reform the Criminal Code in order to achieve the following: provide new mandatory minimum penalties for seven existing offences related to child exploitation; impose mandatory minimum sentences for serious drug offences that are related to organized crime or that target youth.

Generally speaking, minimum sentences would apply when there are aggravating factors, especially when the production of the drug in question presents a danger to public health or safety.

[*English*]

Bill C-10 proposes mandatory minimum sentences for sexual offences against children and serious drug offences.

The Deputy Speaker:

The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 8:05 p.m.)