

*Private Members' Business*

• (1130 )

The panel meets in all jurisdictions provincially. After hearing all of the evidence and proof as to the pain and suffering experienced by the victim it then adjudicates on the evidence heard and awards some form of compensation to that victim. It may also choose not to award any compensation.

Unfortunately, our justice system can only compensate by way of dollars. We can never re-assess or go back in time and say that pain and suffering should be compensated in some other way. The only barometer and area of compensation we have is by way of monetary retribution.

As a result of the hearings that are held throughout the province of Ontario and other provinces in the country, the compensation is awarded as to the degree of pain and suffering of the victim.

I compliment the member for Victoria who has brought forward this bill to assist those people travelling outside of Canada. I must say at the outset should this bill be transferred to committee at the end of the day, that it would be our recommendation that the primary purpose of the criminal compensation board, although it is doing the best it can with the funds available, still does not meet the needs of the victims in our country.

The compensation awards are rather small when compared to awards given in civil litigation matters. The awards in no way compensate victims for the pain and suffering experienced in Canada as a result of abuse received from fellow citizens. This is a shortcoming within our system where the rights of the victim usually seem to take second place.

In my previous career as an assistant crown attorney in Thunder Bay, I was involved in the volumes of work that go into the actual mode of what really happens at a trial. The amount of work the crown attorney has to do in preparation often limits the amount of time that the assistant crown attorney has to spend with the actual victim of the crime.

The primary function is to assemble the facts, bring them to the proper jurisdiction, bring them to the court and get the facts into evidence as succinctly and as quickly as possible in order for the decision-maker to adjudicate on the facts that are presented. This often leaves the victim with the feeling that his day in court has not been properly exercised. It often leaves the victim with the feeling that the pain and suffering and the rights in the criminal procedure system have not properly addressed the victim's main concern.

I am not criticizing the system. The crown attorneys in this country do an exceptionally good job with respect to the time they have to prepare cases. Unfortunately, it leaves very little time to spend with actual victims of the crime.

In principle, we support what our colleague is attempting to do through this legislation. If it does get to the stage of committee hearings, I would also like to recommend a very advantageous program in Canada in particular, in Ontario.

I have had several occasions to participate in the program called the Victim-Offender Restitution Program. It is a procedure that began some years ago when the victims of crime did not feel that they were adequately compensated either by the degree of sentencing of the offender or that the compensation awarded was not adequate. Procedurally, the Victim-Offender Restitution Program would be undertaken by some voluntary organization within the communities in this country. The main purpose was to bring the victim of the crime into a controlled meeting setting with the offender of the crime in order to arrive at some satisfactory mutual agreement between the two parties. Joint submissions would then be made to the adjudicator of the court.

This has been working in some instances and it has been followed through in some of the areas in Canada, particularly in the areas of Thunder Bay and Windsor where it has worked very well.

It brings the victim of the crime, who has suffered the pain, suffering and the damage in a controlled setting with the offender. In this area they have been able to form some degree of a restitution process that seems to satisfy the victim more so than the sometimes cold, very impersonal court judicial process that they would normally go through.

I would like to reiterate one of the cases that I was involved in. I would suggest to the member if this does go to committee that perhaps we should give great thought to this Victim-Offender Restitution Program.

In this particular instance it was a matter that involved the loss of hundreds of thousands of dollars and injured and caused harm to many people through a series of transactions. After many hours of consultation and developing a formula for how to assess these damages, it was agreed between the victims—at that time there were well over 100 victims—and the offender, the person who had been properly tried and found guilty, and the leaders of the program that the compensation these victims