

Government Orders

that it is supposed to be democratic, we must have the courage to rectify this situation. We must be able to tell all these young people that, in Quebec and in Canada, things are done democratically and that it is possible to achieve our goals that way.

If this motion were adopted by the House, it would show people not only that the federal government made mistakes in the seventies, that it deliberately took actions that were unacceptable, but also that these actions will no longer be tolerated.

In any case, I think that Quebec will always respond through a democratic vote. It will do so again in 1995, or whenever it is deemed appropriate, so that Quebec can become sovereign at last and not encounter obstacles like those that the federal system put in its way in the seventies.

I urge the government to think about that. I believe that the Reform Party must also think about the appropriateness of the federal government making the official apology that the motion calls for and to ensure that all those who were illegally arrested are informed that the present federal government regrets the actions taken by the government of the seventies.

• (1200)

It would be an indication that members on both sides of the House really want to promote democracy as the sole foundation of political debates like the one that is going on right now in Quebec and in Canada.

The Acting Speaker (Mr. Kilger): The time provided for consideration of Private Members' Business has now expired. Pursuant to Standing Order 96, the order is dropped from the Order Paper.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): moved that Bill C-72, an act to amend the Criminal Code (self-induced intoxication), be read the second time and referred to a committee.

Mr. Milliken: Mr. Speaker, I rise on a point of order.

I think you will find there is an understanding in the House that in respect of this bill the minister will be the one speaker for the government. For the official opposition there will be two speakers who will divide the 40-minute period allotted to the second speaker in this debate without questions or comments. For the third party in the House there will be a similar arrangement in respect of the 40-minute period they would otherwise

have. Then there will be a 20-minute speech from a member of the New Democratic Party. That should conclude the debate.

The Acting Speaker (Mr. Kilger): Just to make this very clear, the government will present one speaker, the Bloc Quebecois will have two speakers, the Reform Party will have two or three speakers, two speakers will also divide the 40 minutes, and finally I understand the New Democratic Party will have a spokesperson for 20 minutes. Is that agreed?

Some hon. members: Agreed.

Mr. Rock: Mr. Speaker, on September 30, 1994 the Supreme Court of Canada released its reasons for judgment in a case called Daviault. The effect of that judgment was to change the common law rules concerning criminal liability in cases where the accused is extremely intoxicated at the time of the alleged offence. The nature of that change, its effect in subsequent cases and the concern it caused about the principle of accountability in the criminal law lie behind the government's decision to introduce Bill C-72 which we are debating today at second reading.

[Translation]

With this bill, Parliament would abolish self-induced intoxication as a defence in the case of general intent offences involving violence, where basic intent is the only criminal intent required. Parliament would thus recognize a standard of care, any departure from which would make an unlawful act a criminal one.

[English]

In leading off second reading debate today, I propose to develop the principles underlying the bill and to explain why the government believes that Bill C-72 represents a prudent, necessary and valid amendment to our Criminal Code.

May I first touch upon the state of the law before Daviault. There has never been a formal defence of intoxication in the Criminal Code. Judges in the facts of specific cases have been left to formulate those rules by themselves.

Over the decades past, courts have approached this issue by creating two categories of intent in the criminal law: general and specific.

General intent has been taken to mean the basic intention to commit a criminal act in a broad category, such as assaulting someone or committing a sexual assault on someone.

The courts held that by way of distinction, a specific intent involves a special purpose in addition to the basic intent. The crime of murder, for example, requires the proof of a specific intent. It must be established that someone intended to cause a death. In theft it must be proven that the specific intent was there to achieve the special fraudulent purpose of depriving someone of specific property. With respect to the crime of breaking and