

*Criminal Code*

very often with these attempts at diversion is that a new layer of persons becomes integrated into the criminal justice system. We have the same number of people going to jail and, indeed, in some places a greater number of people going to jail. Yet we have this new layer of offenders who are added to the system and who are dealt with in the community. The diversion does not keep people out of the criminal justice system but simply adds a new layer of less important offenders who get a level of treatment not as bad as incarceration but nevertheless have their lives interfered with in a serious way.

It is important that these considerations be addressed to ensure that we do not add a new layer of offenders. We should have better methods of dealing with offenders and of reintegrating people. We should ensure that the needs of victims are respected and are met as far as possible.

● (1700)

Now I would like to turn to the issue of jurisdiction. Of course, the Criminal Code is a federal matter, and civil matters come under the jurisdiction of the Provinces. Victims have to seek restitution civilly; they are required to go to the civil courts on such matters. This is clearly inconvenient for them. I am sure one of the purposes of the Bill is to ensure that they do not have to go to two courts but only to one court to have both matters dealt with at the same time. This would be a great convenience, but there are problems because civil matters come under provincial jurisdiction. It is important that we do not have the strong arm of the federal Government moving into a provincial area. This is something which must be carefully considered, with the participation of provincial attorneys general. Some kind of arrangement should be made that would be acceptable to all of them. Certainly the matter should be explored, but it should not be proceeded with in a heavy-handed way by simply taking over another area of jurisdiction.

Subclauses 3(d) and (e) provide for consultation with victims at various stages. Certainly I support the principle that victims ought to be consulted and heard in the process of the matter going to court and in the process of sentencing. I do not want to indicate precisely how they could be heard. Perhaps they could be seen by probation officers or have input at the time of pre-sentence reports, for example. However, the provisions in the current Bill are cumbersome. I think they would be extremely expensive and there would be an enormous amount of administrative work involved in sending out forms to numerous people at the various stages of the procedure. I think the provisions are excessive, although I support the principle of consultation. We want to work out precisely how this should be done. It should be simplified and we should not add an enormous bureaucracy to deal with the victims of crime. Bureaucracies create their own problems. I want to simplify matters rather than to introduce an expensive and cumbersome new procedure.

I speak in favour of the Bill. I think it should be referred to the Standing Committee on Justice and Legal Affairs. Its general thrust is good, but there are matters to be worked out.

The Committee needs to be directing its attention to this very important question. It should hear from witnesses who could provide some expert advice on how to refine it.

The second choice, which one could expect the Government to argue, is that this matter should be considered in conjunction with the general sentencing project which, we could say optimistically, will be coming up next Fall, at the earliest. I would rather see us proceed with this in the near future than postpone it. The merits of the Bill are sufficient that we should not leave it to the general sentencing review. We should begin to address the entire complex area of giving due regard to victims of crime without further delay.

**Mr. Scott Fennell (Ontario):** Mr. Speaker, this Bill concerns a matter which is very close to my heart. I have worked on it for approximately three years. Its subject matter came to my attention through a constituent of mine, Mr. Don Sullivan, whose daughter was murdered, to whom the Hon. Member for Edmonton-Strathcona (Mr. Kilgour) referred. He faced a real tragedy when his daughter was murdered by a man on mandatory supervision. After his frustration with the legal forces in the region, he got in touch with me. The message I gave him, which he carried forward, was: "Don, keep your cool; don't be antagonistic because you really have an important message". He has done that extremely well. He has handled himself beautifully across the country.

I have asked questions in the House of the Minister of Justice (Mr. MacGuigan) and of the Minister of National Revenue (Mr. Bussières). I really wanted the Minister of National Revenue to give a charitable donation number to the victims of violence organization. Personally I do not believe in grants—and I discovered that grants were coming from the Minister of Justice—but I believe in helping people to help themselves. The request was turned down on the basis that the organization must change its position in order to obtain a proper number. The organization is prepared to co-operate as long as the Minister discusses the matter with me.

The Hon. Member for Edmonton-Strathcona and the Hon. Member for Surrey-White Rock-North Delta (Mr. Friesen) have been of great support in this cause. Through the contact of Don Sullivan with other people across the country, chapters have been set up in Vancouver, Edmonton and other parts of Canada. Victims of Violence has taken a very positive position. It has been set up to provide a listening board for families who are in a state of shock, some for at least two years.

Another gentleman in my riding was brutally killed. His wife called me a number of times. I told her that she should talk to Don Sullivan who could relate what he has been through and help her. This woman was really distraught. It was a terrible experience for her and her family. Finally she was in touch with Victims of Violence and discovered that she had a forum in which to express her concerns and her feelings, which were similar to those of other victims of crime. These feelings start out as anger against society. These people feel an inner frustration because they cannot do anything. They cannot spill out their feelings or get anyone to listen.