

Government Orders

forth, let no one suggest that they were unaware of the standards by which their conduct in such cases is to be judged.

The bill is fair to victims of violence because it ensures accountability for the aggressor. It fosters protection for the security of the person. It introduces concepts of deterrence and punishment to cases of violence involving self-induced intoxication.

This bill reflects Parliament's grave concern about intoxicated violence and particularly its disproportionate effect upon women and children in Canada. It is not without significance, I suggest, that the Daviault case involved allegations of violence by a man against a woman. Almost all of the cases that followed the Daviault judgment also involved allegations of violence by men against women.

In both the preamble and the operative sections of Bill C-72 we acknowledge the need to deal with violence by men against women and we provide an important means to meet that need. Bill C-72 is a way in which this government is delivering on its commitment to deal squarely with violence by men against women.

[Translation]

I would like to take this opportunity to thank the speaker and the members of the Standing Committee on Justice and Legal Affairs for taking time to examine in depth the complex issues underlying this bill.

[English]

The evidence heard by the committee is valuable not only as an indication of the widespread support for the bill, but it is also an important record of Parliament's reasons for legislating in this area. To guide those who are called upon to apply the bill or to defend or adjudicate upon its constitutional validity, the committee heard from practising and academic lawyers, from women's groups, from experts on the psychiatric, pharmacological, and behavioural effects of intoxication.

• (1715)

Of key interest in my view was the uncontradicted testimony that there is absolutely no scientific evidence that alcohol acting alone can medically produce a state of automatism or a state akin to automatism.

To be sure, there were some witnesses who expressed concern about some elements of the bill in relation to the charter of rights and freedoms, but most witnesses strongly endorsed the legislation as constitutional and as an appropriate response to a serious legal and social problem.

The bill comes before the House today with two amendments, both of which I commend to my colleagues. First, the fourth paragraph of the preamble has been strengthened to reflect the scientific evidence that the committee heard. Instead of referring, as it did at first reading, to scientific evidence that many intoxicants, including alcohol, may not cause a person to act

involuntarily, the revised bill refers to scientific evidence that most intoxicants, including alcohol, by themselves will not cause a person to act involuntarily.

The second amendment involves the term "basic intent" as it appeared in clause 1. Section 33.11 has been changed to general intent. The phrase "general intent" is an expression better known to the law and lawyers and makes the scope and intent of the bill crystal clear.

I suggest that Bill C-72 meets the test that Parliament must apply to all proposed legislation in the realm of the criminal law. It reflects our shared values and our notions of accountability while respecting the rights of those who may be charged with criminal offences.

I suggest that the bill is sound, fair and a workable recognition of those important public and constitutional principles of which I have spoken. I ask for the support of every member of the House for its speedy passage.

[Translation]

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, we have passed these past few days two controversial and divisive bills. The most eclectic views were put forward, and the emotional intensity of the debate on bills C-68 and C-41 was reflected by some members' virulent outbursts.

Unlike these bills, Bill C-72 is not intended to cause controversy and debate, but rather to bring them to a close. The Supreme Court decision in the Daviault affair has outraged the general public. Henri Daviault was charged with sexual assault on a hemiplegic woman while intoxicated.

He was acquitted by the trial judge who was not absolutely certain that Daviault was sufficiently aware of what he was doing to form a criminal intent, that is to say the intent to sexually assault.

The Quebec Appeal Court quashed this decision two years ago and convicted Daviault. But on September 30, the Supreme Court of Canada ruled that pleading intoxication could be admissible in some specific cases and ordered a retrial.

Reactions to the decision rendered by the highest court of the land were quick to follow. While a plea based on the Daviault decision was expected to be used only very exceptionally, the interpretation given to this decision by lower courts lead to three acquittals within two months.

All these cases involved women who had allegedly been assaulted, sexually or otherwise. In the Blair case, in Alberta, an alcoholic was charged with assaulting his wife. He was acquitted on the basis of the Daviault decision. In the Compton case, in Prince Edward Island, the accused, who only vaguely remembered what happened at a social gathering because he was drinking, was acquitted of charges of sexual assault. The judge said that he could not make a ruling and that he was not