

*Criminal Code*

sense of community responsibility that can reduce crime, as well as alcohol and drug program funding, which is so important, especially with respect to programs dealing with impaired driving. There is funding for programs to assist mentally ill and those with learning disabilities.

We must also concentrate on ways to attack the root causes of crime, including poverty, homelessness and unemployment. I regret that in a society as rich as ours there are still homeless people even in Metropolitan Toronto, which is booming.

We have assisted victims of physical and sexual abuse. We are teaching how to deal with violence, including violence in the media. We are moving toward stronger gun control. I believe all these measures will help to reduce crime.

While Canada has a relatively low crime rate, it still exists and there is much to do to attack it. There are serious inadequacies in our legal aid system, which should also be addressed.

I believe we should have a different definition for crime. In this respect, let me refer to a speech by the Hon. Member for Burnaby (Mr. Robinson), the NDP justice critic. During his speech at second reading of this Bill in the House on November 19, 1987, he gave a very interesting definition of victims of crime. He said, as reported at page 10981 of Hansard:

I want to note that the definition of victims of crime is far too narrow. I suggest that we examine the nature of victimization in our society today. When we do that examination, we will see that there are many victims who are left uncompensated by this Bill. What are some of the examples of that, Madam Speaker? The victims of corporate crime and white collar crime are not compensated by this legislation. The victims of a corporation that pollutes and destroys the environment, that poisons a lake or river and victimizes people in a community, receive no assistance from this legislation. The victims of a corporation which in its greed for profit produces unsafe and hazardous goods resulting in injury or death receive no compensation whatsoever.

A corporation or a mine, which is not prepared to take the basic steps to protect the health and safety of men and women who work in a mine who, as a result, experience injury or death, will not be required to pay any restitution under the terms of this legislation. The crimes of multinational corporations in the Third World and elsewhere are not dealt with by this legislation. Racially motivated crimes and other organizational crime is left untouched. I hope the Government will recognize that there are victims in this area as well.

Maybe that broader definition can be used in future legislation. After the second reading debate on the principle of this Bill, it proceeded to committee consideration where the real action takes place. Several witnesses appeared before the legislative committee dealing with this Bill, and the committee received many written representations.

The submissions to the committee focused on three principle areas, all of which the NDP responded to by amendments that were defeated by the Conservative members of the committee. I would like to outline briefly the three key areas in which the NDP proposed amendments. Perhaps the Government will consider these amendments in the future.

The first area is victim-offender reconciliation programs. This was a major area of concern for witnesses who appeared before the committee and groups who submitted briefs. It was proposed that judges should have the option of accepting as the

basis of restitution to a victim of crime an amount arrived at following mediation between the victim and the offender. This amendment had very strong support from those who made the submissions to the committee. The Government should be criticized for rejecting this suggestion.

Some of the groups which provided written submissions include Victims of Violence from Edmonton, Alberta, and one group from the Minister's own riding in Saskatchewan.

Amendments were also moved to ensure that funds raised by victims' surcharge would be directed to new programs and would not simply go into general revenues. We believe that these funds should not be used to supplant existing victims' programs in the provinces or indeed used in other areas. There is concern that the Bill as it is presently worded allows the province to take federal money and spend it without any assurance that new programs for victims of crimes will be created. For example, it could go into existing criminal injuries compensation programs which come under provincial jurisdiction.

Professor Irvin Waller is a leading expert on victims in Canada and a Professor of Criminology at the University of Ottawa. He raised strong concerns about this point. Let me explain, because we are very familiar with this in British Columbia. The federal Government gives money to the province, and the province blacktops a road or puts it into a coal project in northern British Columbia. It may not be quite so gross as in those cases, but the province could take the money and put it into existing programs for aid to victims of crime, and there is very limited aid in a province. What would happen, of course, is that the good works in this Bill, the idea in this Bill to compensate victims, would be virtually dissipated. That is why we proposed these amendments to restrict the provinces and we are sorry the Government did not accept them.

● (1540)

The third area is that funds should be dispersed consistent with the federal-provincial statement of principles. At present there are very uneven standards for programs for victims of crime across Canada. This is understandable because it is a fairly new concept of the Government helping the victims. The normal concept in common law was that the victim sued privately. Often, of course, it is very hard to get money out of those people who perpetuate a crime. We proposed an amendment to ensure that funds raised by the fine surcharge in this Bill should be dispersed in accordance with the statement of principles for victims of crime, which was agreed upon in March, 1988 between the federal and provincial Ministers of Justice. Again, I regret to say, the committee rejected this amendment.

I just want to put the principles on record in my remaining time, so that the Hon. Minister of Justice will make it an even better Bill the next time since he agreed to them with his provincial Attorneys General. I hope they will find some way