

Government Orders

Some hon. members: Agreed.

[*Translation*]

Mr. Rock moved that the bill be read the third time and passed.

He said: Mr. Speaker, it is a pleasure for me to rise today to defend Bill C-72, which has widespread support among Canadians and, I believe, the support of all members for quick passage in the House.

[*English*]

Mr. Speaker, Canadians hold the strong moral view that people who commit violent acts against others while voluntarily drunk should be held criminally responsible for their actions.

As members of this House are aware, last September the Supreme Court of Canada, in a case called Daviault, held that according to the common law, intoxication, even if self-induced, may be a defence to a charge of violence against another if the intoxication is so extreme that the accused was in a condition akin to automatism or insanity. As a result, the Supreme Court of Canada directed a new trial in the Daviault case in order to permit the trial court to canvas questions of fact relating to that potential ground of defence.

In the Daviault judgment the Supreme Court of Canada, in the exercise of its proper function, established the common law principles that apply in such cases. Today the House of Commons has the opportunity, in the exercise of its constitutional function, to establish a legislated rule; in short, to codify the principles that we believe should be paramount, starting with the principle of accountability for one's own conduct. As we consider this issue today, I suggest that we, as parliamentarians, must examine the question not just as an issue involving the common law but as a matter involving common sense.

The principle of accountability in the criminal justice system has been reflected in every measure this government has introduced while implementing its safe homes, safe streets agenda. During the session of Parliament that ends this week, the government has delivered on that agenda.

Some hon. members: Hear, hear.

Mr. Rock: Bill C-37, which will receive royal assent later today, toughens the response to violent youth crime, doubling the maximum sentence for first degree murder, introducing important changes to the transfer provisions involving the trial of 16 and 17-year-olds in adult court when facing charges involving serious crimes of violence.

Bill C-41, passed by this House last week, codifies the principles and the purposes of sentencing, encouraging uniformity and predictability in criminal sentences, broadening the rights of victims in the criminal justice process and increasing their rights to restitution.

Bill C-42, passed earlier this year and proclaimed in force in mid-February, modernizes the criminal justice system in dozens of ways, simplifying criminal procedure and making protection ordered by the courts more readily accessible to women who are victims of the violence that is caused by the men with whom they live.

• (1710)

Bill C-68 cracks down on the use of guns in crime, providing for the longest mandatory minimum penitentiary terms in the Criminal Code for those who choose to use firearms in the commission of any one of ten serious offences. As passed by the House Commons, Bill C-68 also provides for mandatory minimum jail terms for those prosecuted on indictment for the possession of stolen or smuggled firearms and provides the police with valuable new tools in their continuing efforts to enhance community safety.

Bill C-104, which will be considered by the House later this afternoon, provides by amendment to the Criminal Code for the taking of bodily samples for DNA testing, providing an important tool for police and prosecutors in the investigation and prosecution of serious crime.

The creation of a national crime prevention council puts crime prevention on the national agenda for the first time, uniting community action with government policy so that Canadians, instead of wringing their hands worrying about safety in their communities, can roll up their sleeves and do something positive and constructive to increase the safety of their homes and of their streets.

With Bill C-72, the government has responded quickly and effectively to deal with an issue of grave public concern.

[*Translation*]

The aim of this bill is to amend the Criminal Code so that intoxication may never be used as a defence against general intent violent crimes such as sexual assault and assault. The bill therefore establishes a new standard of care.

A person in a state of self-induced intoxication that renders them unaware of, or incapable of, consciously controlling their behaviour, who causes injury to another person, is criminally accountable. This person departs from the standard of reasonable care generally recognized in Canadian society and cannot claim extreme intoxication as a defence.

[*English*]

The government believes that the approach taken in Bill C-72 is fundamentally fair, both to the victims of violence and to those accused of crime. It is fair to the accused because we will set out in clear language in the Criminal Code the minimum standard of civilized conduct Canadians are entitled to expect from each other in the context of voluntary intoxication. Hence-