

*Criminal Code*

criminal justice system more responsive. What I regret is that the Government had the opportunity to do a great deal more for victims but did not do it.

First, we have to recognize that the remedies for victims that are found in this Bill only apply in cases where an accused is found and convicted. We know that the vast majority of attackers are never caught and convicted. Yet the losses suffered by the victims are real. They are victims of crime and even with this Bill the criminal justice system does nothing for them.

I visualized and would have liked to see a foresighted Government coming up with some type of system like workmen's compensation or unemployment insurance or some of the other grand visions we have had in our country in the past which have worked to compensate the victim. Whether the criminal is ever apprehended or convicted, we need a larger vision of the loss and the way in which all of us as a society can be insurers of that loss.

Often if the criminal is caught under this system there will only be compensation where the criminal can afford to pay. This is another remarkable thing. These measures are welcome and I support them, but if the accused when convicted does not have any money—and I think if someone examines a cross-section of criminals who are convicted, not many of them are people of means—then the victim is not compensated. Again, I would have liked to have seen a larger system that provided for some type of balancing so that there would be compensation in court cases where the court ordered it, whether or not the accused was able to pay.

● (1520)

It is also a limitation of this legislation that we keep narrowing the amount of relief that we are getting out of it. When you narrow it down to the accused who are caught and convicted and can afford to pay, there is an even greater narrowing of the relief available to victims who, if I can put it this way, are lucky enough to have found themselves in that situation through the criminal justice system that they are compensated for readily ascertainable damages such as loss of income or property. However, they are not compensated for pain and suffering which may have resulted from the crime.

Pain and suffering is a ground upon which compensation can be achieved by a victim, but in such a case the victim must start a private civil action against the convicted person for compensation for pain and suffering. Why not roll it into the criminal procedure? There are lots of ways to do this. In committee I and other Members suggested ways in which we could do better by victims through the criminal justice system than the measly and very tight solutions being proposed by the Conservative Government.

Further, most crime victims will still have to resort to provincial compensation boards. There are, in almost every province, boards set up which provide relief for victims who cannot get compensation directly from the criminal. However,

the amounts paid in each province for exactly the same type of loss differ widely. In this legislation the Government provides a new source of funds for the provincial compensation boards, and that is the tax that will be levied on fines and paid to provinces.

However, I object—I objected in committee, and the Official Opposition objects—to not having a national standard applied. We would hope that a province would be bound to use the money it receives under this program from the federal Government to compensate victims. However, there is no such limitation contained in the legislation. A province is free to take the money but is not compelled to use it for compensating victims.

This would have been a perfect opportunity to establish a new important national standard with money provided by the federal Government out of this limited but very real source of funds for compensating victims. In his intervention the Minister indicated a little bit of progress, and I want to note that. He said that a federal-provincial conference has been held and that some voluntary national standards have been developed. That is fine by me, I do not say that it has to be legislated or contractual. However, how effective will it be? The standards contained in that statement are general.

I would have liked to have seen the federal Government committed to trying to improve compensation for victims, the number of victims who receive compensation, and the types of losses for which compensation is available. All of this could have been done and I regret very much that it was not.

I want to refer to the amendment which the Minister signalled in particular in his remarks. I proposed an amendment in committee to deal with the problem of a victim impact statement under the preceding law. There was a case in British Columbia which was brought to the attention of my leader, the Member for Vancouver—Quadra (Mr. Turner), by the Jacobson family which was the family concerned.

In that particular case the court refused a victim impact statement for the ironic reason that the victim had been killed and was not, therefore, able to put in a statement. The court felt unable to accept a victim impact statement from another member of the family even though other members of the family suffered from that particular crime.

I proposed an amendment which would cover that situation and permit the court to receive a victim impact statement, from a sponsoring relative. When I moved that statement a funny thing happened in the committee. I see the Parliamentary Secretary here and he will remember this because he was involved in it. Suddenly, from a briefcase behind the witness table, a form of amendment was produced which would cover this situation. On behalf of the Government an amendment was proposed to deal with this situation.

I resent such a way of achieving a reform. The Parliamentary Secretary is here and he can set the record straight if he disagrees with me, but the Government was sitting there with