

*Government Orders*

Above all, we are anxious to have this law in place to restore certainty and particularly accountability to criminal law.

I take this opportunity to acknowledge the government's indebtedness to the initiatives shown by Senator Philippe Gigantès in the other place. Senator Gigantès presented Bill S-6 in the Senate shortly after the release of the Daviault judgment. Bill S-6 proposed the offence of criminal intoxication. There was an outstanding effort by Senator Gigantès to address the underlying public concern arising from this judgment. In the final analysis the government did not favour the precise approach he described in that bill. However, we are indebted to him for his initiative. In examining both his bill and his assessment of the issues we were better prepared to address those issues in Bill C-72.

I also acknowledge that the co-operation and collaboration of the other parties today is making it possible for us to deal with second reading on this one occasion. The bill will thereafter go to committee for the consideration needed. I am indebted to hon. members opposite for their collaboration in that regard.

I commend this legislation to the House for approval in principle at second reading. It will improve and strengthen the criminal law of the country.

*[Translation]*

**Mrs. Pierrette Venne (Saint-Hubert, BQ):** Mr. Speaker, first, I would like to remind you that I will be sharing my time with the hon. member for Québec.

As the Minister of Justice mentioned earlier, it is in response to the Supreme Court ruling in the Daviault case, among others, that the minister finally tabled Bill C-72 on February 24, 1995.

As he said, that bill amends the Criminal Code and prohibits self-induced intoxication as a defence in the case of violent crimes.

Persons who become intoxicated to a degree where they are unable to control their behaviour shall assume criminal liability for their actions. Later on, I will examine in detail the criminal acts affected by this bill, because it does not apply to all criminal acts.

We are still a long way from a comprehensive reform of the Criminal Code sections which set forth the fundamental principles of criminal liability and the grounds for defence in case of accusation.

This is still the stone age as far as criminal legislation is concerned. The rules of criminal law have not really been modified over the last 100 years. It was the Supreme Court that urged the minister to take action. Without that ruling by the highest court in the country, would the Minister of Justice still be consulting the population and the various stakeholders?

Let us review the facts of the Henri Daviault case. Mr. Daviault knew the victim, since she is one of his wife's friends. She was 65 years old at the time. She is partially paralysed and confined to a wheelchair.

One evening, around 6 o'clock, she asked Mr. Daviault to bring her a quart of brandy.

• (1230)

The victim, that is the lady, drank less than a glass and fell asleep in her wheelchair. When she woke up during the night to go to the bathroom, Mr. Daviault grabbed her wheelchair, pushed her into the bedroom, made her lie on the bed and sexually assaulted her. He left the apartment around 4 o'clock in the morning. Henri Daviault is now 73 years old; when the accusations were laid against him, he was 70.

At the first trial, he said that he had spent that day in a bar where he had drunk seven or eight bottles of beer. He remembered drinking a glass of brandy when he arrived at the victim's apartment, but did not remember what had happened between that time and the moment where he woke up naked in his victim's bed.

Mr. Justice Bernard Grenier acquitted him because he was not absolutely sure that Mr. Daviault was conscious enough to form the guilty intention, that is the intention to commit the sexual assault.

The Quebec Court of Appeal quashed Mr. Justice Grenier's decision and found Mr. Daviault guilty. On September 30, the Supreme Court of Canada decided that an intoxication defence could be made in this particular case and ordered a new trial.

So, time is short. The Bloc Québécois has always asked that people who voluntarily intoxicate themselves and then commit violent acts be held more accountable for these acts. It is time that legislators take their responsibilities and alleviate the increasing concerns of the public as the result of the Supreme Court decision in the Daviault case. We should not delude ourselves: the Daviault case is only one example among many, all equally revolting.

The results of a national survey on assaults against female spouses, in which more than 12,300 women participated, were released in March 1994. This survey reveals troubling facts on spousal abuse. I use the word "troubling", but "revolting" would be equally appropriate. But no matter what words are used, the majority in this House will not listen.

Violence against women is disturbing, so certain people prefer to ignore it instead of looking at it. As long as it happens to someone else, people do not feel that concerned. It is absurd to think that just saying that violence is everyone's business has become a cliché, something that everybody is tired of hearing.

I am not referring only to physical violence but to psychological violence as well, which has effects just as harmful and lasting. Disparaging remarks, abusive language and insults can