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## Legislative Assembly of Saskatchewan

# DEBATES and PROCEEDINGS

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### **Bill No. 144 – *The Victims of Domestic Violence Amendment Act, 2014***

**Mr. Forbes:** Thank you very much, Mr. Speaker. It is a pleasure today to enter into this very, very important debate on victims of domestic violence. So I'm pleased to enter into debate on Bill No. 144, An Act to amend *The Victims of Domestic Violence Act and to make a consequential amendment to The Adult Guardianship and Co-decision-making Act*.

It is an important piece of legislation and one that is very, very timely. You know, Mr. Speaker, we were all gripped, the news of just a few weeks ago, when there was a shooting of a soldier in Ottawa and how that really galvanized a country in terms of concerns about those who serve us.

But just shortly after that, that very weekend of course, the news of what was happening at CBC [Canadian Broadcasting Corporation] with their own Jian Ghomeshi and the idea of domestic violence, and that also galvanized the country about what happens. How can a situation arise where you have one person in a position of power over another person, no matter what the circumstance? So we've all come to have another good think about what does domestic violence mean.

And I think this is an important topic that we raise, and we go back and we take a look at this. We saw a situation where a star in CBC's radio programming, Jian Ghomeshi, could all of a sudden cause such discussion and despair. Because I think people whenever we hear of this kind of thing happening think, how could this happen in a modern society, a society that prides itself on being compassionate and fair and a zero tolerance on violence? And yet we know, we know that this happens way, way too often. And we should make this a priority of our society, our province, our country, our communities that we will not tolerate this, that we will not tolerate the existence of domestic violence.

And I see that we're changing the name to interpersonal, and I'll get into that kind of discussion.

But we hear about this more and more, and of course this summer when we heard about Raymell Rice, Ray Rice of the Baltimore Ravens, what happened there. And we see the complications you have where if you don't have people . . . And it is a difficult situation. It's so easy for us to say, if people just would only come forward. But the circumstances are so personal and complex that people feel that they do not have the power to come forward.

And so we really think this is an opportunity for us to have that discussion in the House, and I look forward to the speeches and the questions in committee on this. Because as we've seen, particularly in the case of the CBC circumstance where we know of at least nine women who were victims of violence — and I understand now that a couple have come forward and have made reports to the Toronto Police Service, and that will proceed as it should — but how a secret could be kept so quiet so long, especially in such a high profile situation. You have it in sports. You have it in the media. And somehow we can keep that a secret, so it's no wonder that in a home or in those interpersonal relationships, it's very, very difficult to bring forward.

But we are glad to see for example that we know, after the Jian Ghomeshi allegation came forward — and I'm just going to read several quotes from CBC News — that the Saskatoon Sexual Assault Centre said the news triggers memories, triggers memories and I hope gives a sense of courage that we will as a community stand behind those who do come forward, that they know that they're not alone, that we will support them as they tell their stories, and that they will have a safe place to be. And this is an important issue. So not only do we have the legislation, but we have the resources in our communities to make sure that people feel safe to come forward.

And so I just want to quote, too, the article that was posted November 4th, 2014, and I quote:

Heather Pocock, assistant director of the Saskatoon assault centre, said news reports have triggered memories for many people. In some cases, that prompts calls to the centre. Most of them simply want to talk.

It goes on to say, and I quote:

“Research says most people don't talk to anyone,” she said.

“Well, I think every time something like this breaks in the news people start to think about their own circumstances and their own situation and they reach out for somebody to talk to.”

Pocock said she is not surprised many don't report abuse to the police. She said they are afraid they will be blamed or they are skeptical of the justice system.

She wants victims to know there are people here who will listen, and help.

And she says, and I quote:

“If people really feel like they need to say something or to get help, we want them to know there are services that exist on their behalf.”

Pocock [goes on to say] . . . she’ll be speaking with police to ask whether the increase in calls to the centre’s crisis line is matched by a corresponding increase in calls to police.

Well it goes on to say, continues to talk about the role of police and victim services.

Linda Perrett, and I quote:

Linda Perrett, Coordinator of Saskatoon Police Service’s victim services, said it is too soon to tell if her department will also see the same sort of increase as workers have at the city’s sexual assault centre.

And she says:

“One of the problems with going to court is that you need such a high level of evidence,” Perrett said of her work with victims of alleged sexual assaults.

“Unfortunately, the victim’s credibility is often what is questioned.

[And she] . . . explained that once a victim makes the often difficult decision to take their claims of a sexual assault to court, the file is given to a prosecutor who reviews the case to determine whether there is enough evidence to lay a charge.

The article goes on to say:

Perrett said victim services attempts to make this process easier for people who decide [when] they want to go through the judicial process by referring them to support resources in the community that can help.

And then she goes on, and I quote her:

“The other thing I tell victims is that the court is not a healing process,” Perrett said. “Your healing should come outside of that . . . but don’t count on the court system to be a healing process, because it generally isn’t for victims.”

So it’s a tough, tough row that the folks who are victims of domestic violence find themselves in. And so this is an important discussion that we’re having here today.

So, Mr. Speaker, I want to just take a moment and reflect on what did the minister have to say about this. And I find his comments, they were a little bit longer than typical. Sometimes the minister doesn’t give an awful lot of comments. And what I read here was helpful. He reflects back on the fact that members, and I quote:

Members will recall that Saskatchewan was the first province in Canada to introduce victims of domestic violence legislation back in 1994. Since then this Act has served as a successful model throughout Canada for emergency

protection . . . legislation.

So I'm proud to say that that was our side of the House that brought that forward and we're glad to see that that was an important thing that we did. But it's important to bring this forward. And now we are 20 years later looking at it and saying, is this the best it can be? Can it be better? And clearly this government is thinking there's tools that we need to bring forward to make it more effective. Because as I was just quoting in the media, the police service says there are gaps. It's not an easy process to go through, the judicial system, because there are gaps and it makes it very difficult for victims.

So he talks about how this provides an additional tool to a responding police officer to separate individuals who represent an imminent risk of injury to each other. It's critical to the functionality of the Act that police and victims are immediately able to seek an emergency intervention order by telephone. So again it's using the technology. How can we use technology to move this forward?

It talks about the balance between the risk to the individual who fears violence and the procedural rights of the respondent. That's fair. That's what our justice system is based on — due process. But we can't have it that there is imminent danger or risk because, as we know, people just will not come forward when it's time to report such abuse. It's very important that we make it so it's an effective tool, but one that respects that balance of judicial due process but is not used as a tool to protect an abuser as well. So this is an important thing that we can take a look at.

He also talks about how the changes in the bill will provide for incremental increase in the scope of the application, the act of verification where it provides for a particular situation. We think that's important. It provides for procedural changes to address concerns that have been identified by victim services branch in their ongoing operations of this Act. Clearly they are people who experience and can bring forward what's been happening in the field.

What are the kind of circumstances that we see that happen, that we can clarify or make changes so there are not barriers to people who are being victims? We want to make sure that it works as effectively as possible because we cannot tolerate that situation where, because of a legal loophole, that all of a sudden people are getting protection where they should not. We support due process, and that's a reasonable request in our society that the justice system is there for both sides, but it cannot be used as a tool for undue protection.

But I would like to . . . And I'll ask more about this because we always ask this: who was it that brought forward these concerns? Was it just the justice branch that brought this forward, the victims services branch? Or were there groups like the sexual assault centre? Did they bring forward ideas?

You know, one of the concerns that I've heard an awful lot are people who live with disabilities that have a hard time articulating and expressing concerns, particularly, for example, those with autism that don't have the . . . who may not have the power of emotion or expression. When we normally think somebody might come in and be talking

about a sexual assault, quite often people — you know, the victims — are showing that on their faces or in their voices. But if, because of your disability, you may not have that ability to show emotion or your language, then as a matter of fact, no matter what the circumstances, it becomes a more difficult situation.

So are people being trained to really help this new spectrum that this government, I understand, may be considering? Those would be the questions that we'll be asking in committee because what we think of victims has rightfully so been expanded from, you know, 20 years ago. There's a newer understanding that people may be victimized who haven't come forward because of the limitations in the legislation.

The one, for example, that they talk about, will extend the scope of the application of the Act to caregiving relationships regardless of cohabitation. And so that's an interesting idea because maybe they're not living together. They have a unique relationship because one is a caregiver, so there is a relationship of power. One has power over the other. And that creates an unfair relationship where one would feel like, I can't report because I would lose. I would be a big loser in terms of this relationship. This person is a caregiver and I can't put that at risk. I absolutely can't put that at risk. So that's very, very important.

lot of discussion, and I think it's going to be an important one to talk about.

So it would also expand the definition to include harassment and deprivation of necessities within the scope of prohibited interpersonal violence. And again this one, when we talk about the Jian Ghomeshi circumstance, we think of that in the workplace. That extended actually into the personal lives of many people, but it was based through the workplace that Jian Ghomeshi created his power base because he was a star on the radio, a star of a rock band. He was a major Canadian personality, also in the book world with the Giller prizes, and how he could influence people and really play that power game and victimize women in this circumstance.

And I'm just curious where, you know . . . And I have an article here about, and the title is, "Don't be the CBC: How employers should handle allegations of violence and workplace harassment." Now that's interesting because we've come and we've done an awful lot of good work here in Saskatchewan about workplace bullying. We are not sure how that is going on now, and it would be interesting to have an update on that.

[14:45] They will go . . . talk about a variety of circumstances beyond

their traditional domestic scenario in order to protect a broader range of victims and of violence. So we've talked about that, what that may mean. So it will be interesting to know and, when we get into committee, to have a very full discussion of this. Were people with disabilities involved? Were people of visible minorities involved? You know, we often think about this as a male-female, a heterosexual type of relationship. Were people of the LGBT [lesbian, gay, bisexual, and transgender], the queer community, were they involved? Were trans people? And we'll be celebrating next week marking — celebrating's the wrong word for it — but the Transgender Day of Remembrance. And

there's another perfect example of violence, of violence especially in a power relationship. So have those folks been consulted, and how can we make sure that we bring them into this discussion as well?

It would also . . . brings in the idea of prohibitions of electronic contact between parties, and clearly that's a huge issue. When you think of, just if we could just go back 20 years, what we have now, what we, you know, the emails, Internets were just starting to emerge in the early '90s. I remember in fact, if anybody here remembers the early '90s and what we talked about, Archie and Gopher on the Internet. Emails were a very slow thing in the early '90s. How far we've come now with Facebook and Twitter, and the idea of revenge porn that you have on the Internet now, what that all means for this. We've come so far so fast in just 20 years. I don't know if there is any other area in terms of harassment or abuse that probably has seen so much change.

So I'm glad to hear about that, and it'll be interesting to hear.

And of course this then as well gets into what we were talking about a year ago at this time in terms of bullying and the idea of bullying online and the horrific, horrific circumstances that we've seen, particularly in high school age kids or even younger, pictures that get floated around on the Internet. This is a huge, huge issue. So this is one that we think really deserves a lot of discussion, and I think it's going to be an important one to talk about.

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And it's often interesting how we have circumstances, unfortunate tragic circumstances that act as triggers for better legislation. So I hope in many ways, right across Canada, that many legislatures, and if they have the good fortune to have a piece of legislation before them now, are taking a look at their own victims of domestic violence Acts and saying, are these the best they can be? How does this coordinate with the occupational health and safety legislation?

Fortunately we have good, strong legislation there. We're not sure how it's being supported through operational funding and resources. This victims of domestic violence

is outside the workplace but there could be connections through work. But this is important: to make the connection between the fact that, you know, we are in a plugged-in world where you might be at work but, if you've got somebody's email or you're a Facebook friend, all of a sudden you can have access that maybe goes beyond just what happened at work, and that's what we talked about in terms of this interpersonal violence. So I'm hoping that's what the minister is alluding to, and we can get clarification in committee. But it's a hugely, hugely important area.

And I'll go on a bit more. And it talks about they will broaden the scope of factors that justices of peace may take into account when granting emergency intervention orders, including the consideration of past contacts by the respondent with other family members as well as immediate circumstances with the respondent such as a recent release from jail or being fired from a job, which we know too often and unfortunately we see violence that occurs because the workplace . . . where somebody's had a dispute at a workplace, has been fired, has come back, and that has caused, especially in the States, but it has happened in Canada, where there's been mass shootings just because of that. And it's a tough, tough situation.

It goes on to list matters that will not preclude an order being granted, clarify the non-contact provisions for emergency intervention orders including contact at school, at workplaces of the victim and family members, and so on and so forth.

So this is one that I think is one that really deserves a lot of attention. And again I think that it's important that we have this discussion, we continue to have this discussion, we continue to review it. It's one that will not, will not, unfortunately for some bizarre reason, will not go away. But we know in Saskatchewan particularly, this is something that we share a dubious title, you know, an unfortunate one where we know domestic violence is one that is one . . . We are one of the worst provinces in Saskatchewan when it comes to domestic violence and domestic violence rates. So I think it's very important that we monitor this and we watch this very closely.

I just want to go through again a definition of domestic violence. And I know that it's in the legislation, and I'll talk about that and compare the two in a minute because so people know, people who may be watching or reading this or following this, that it's important that we understand what domestic violence is. And domestic violence, and I quote from the [domesticviolence.org](http://domesticviolence.org) website:

Domestic violence and emotional abuse are behaviours used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay or lesbian; living together, separated or dating.

Examples of abuse include: name-calling or putdowns, keeping a partner from contacting their families or friends, withholding money, stopping a partner from getting or keeping a job, actual or threatened physical harm, sexual assault, stalking, intimidation.

Violence can be criminal and includes physical assault [and we know that's]

(hitting, pushing, shoving), sexual abuse . . . and stalking. Although emotional, psychological and financial abuse are not criminal behaviors, they are forms of abuse and can lead to criminal violence.

[It can take many forms of violence] . . . and can happen all the time or once in a while . . .

[So it's important that we know that] anyone can be a victim. Victims can be of any age, sex, race, culture, religion, education, employment or marital status. Although both men and women can be abused, [we know] most victims are women. Children in homes where there is domestic violence are more likely to be abused and/or neglected. Most children in these homes know about violence. Even if a child is not physically harmed, they may have emotional and behavior problems.

And that's huge. That's a huge consideration especially, you know, in terms of the number of kids that we have that are in vulnerable circumstances who find themselves in foster care. And this may be one of those issues that lead to that. We need to make sure we do as much as we can to reduce domestic violence.

So if you're being abused, you need to remember that you're not alone. It's not your fault, and help is available. And I know it is. And we talked about that where in Saskatoon there are several organizations — the sexual assault centre is one Saskatoon police can point people in the direction — and I am sure that's the same in Moose Jaw, Regina, right across the province.

So we look forward to hearing more about this, but we also want to make sure people are feeling safe. And so this was one tool that we can go a long way to make sure that people feel that they can come forward and that the police then have more tools to work on this.

But, Mr. Speaker, I want to ask a few questions and put the, I guess, the government on notice that we will be asking questions in committee. That we want to know. The minister said that it was the people in victim services who came forward with the idea, but we would be curious about who will benefit from these changes. How that will play out, and how do they see that going forward?

And we would like to know, is this a reaction to any particular case? I've gone on about Jian Ghomeshi and how that triggered a national reawakening about this issue. And it's important that we have that. Hugely though, that it's come hugely, unfortunately it's come at the cost to several women we know of, at least nine who've come forward. Three have gone to the Toronto Police Service and there perhaps could be more. So, Mr. Speaker, is this a reaction to a particular case? Or has there been an ongoing collection of, this is what we can do to do a much better piece of legislation here? And so this is important.

So who asked for these amendments? Was it the courts? We know it was victim services, but if we could have more details. Are there any downsides of these amendments? What's happening across Canada? Is there something . . . I know this minister in

particular, because Justice ministers across Canada often reflect on, together in conferences, about how to have the best legislation and have some uniformity standards across Canada. What's happening across Canada? We want to know what will be the implication of changing the name from domestic to interpersonal. Why the change? And what does this mean for people, and will this create confusion? You know, over the past many decades, we've come to know what domestic violence is and I'm not sure whether that . . . To me, I think of domestic violence as opposed to workplace violence. You know, domestic violence to me implies the interrelationships. The caregiver, I'm not sure if it's necessary. And who asked for the expansion of types of family members? So we need to think more about that.

And as I said, and I do want to say that I do think that in terms of people of disabilities, particularly because we know they can be victims of violence, whether it's a physical disability or a cognitive disability because of . . . that we've . . . Really, their work and their advocacy has really come of age, and it's really important that we think in terms of that. So I will be curious to know about that, and then again around the queer community, the gay and lesbian relationships, the trans relationships.

And I'm curious to know what kind of training will be, when you give the police another tool, what kind of training will come forward with that tool? Because clearly it's important. And as the police, I quoted earlier in an article, they talked about how it's very challenging, and people should be clearer what their expectations are when they go through the judicial system. That's fair enough. But how can the police be trained in a way so that they are, as they say, a service to people in their community, to say this is what your expectations can be and this is where you get help?

But people always should feel safe, and I think largely they do feel safe coming forward to the police to report concerns. And as the person said, in some cases there's a huge demand for evidence. But we all want to feel that when we come forward to the police service, that we're feeling safe and that we will be served in a fair and understanding and a compassionate manner.

And I think that some, as the groups that I've talked about, whether you're in the trans community or whether you're with a cognitive disability or a physical disability, that you may not be able to communicate or you might be frightened in ways that others may not understand. So we'll be interested to hear about who have they consulted, and did they heed their advice? And if not, why not? That's hugely important.

So we'll be looking at this very carefully, doing a good review of this. As I said, it's a timely, timely piece, hugely timely, Mr. Speaker, because of the media. And whether it's the football stories we've heard of coming out of the States this past summer and fall or our own situation here in Canada with CBC . . . But you know, those are only the tip of the iceberg. This is something that happens much, much more often than we would care to admit.

And so, Mr. Speaker, I know that many of my colleagues will want to comment on this. And I think they will, because as I said, there's been a national reawakening of this issue.

And the timing is of good fortune that the minister has brought forward this piece so we can have this discussion, and I hope we can have some good committee discussions about that, because it'll be very interesting to hear from the people from victim services about what they're finding out.

But I'm also really hoping that those people who have had situations that they have not felt well served because of the limitations of the legislation, will come forward and say, this is my story; this is what's happened to me — they will get served so that they can begin that healing process. It's important they begin that healing process, but that justice will occur. That justice will occur. That the offender will be served what their due penalty will be. And that's important. That's important. And that they get their day in court. But those who are victims or continue to be victims, in our homes and our communities, will feel a sense of renewed hope that they're not alone but, in fact, there are people they can talk to.

So with that, Mr. Speaker, I think I need to move . . . I need to adjourn this debate. I know that many others will want to enter into the debate. So I move adjournment on *An Act to amend The Victims of Domestic Violence Act and to make a consequential amendment to The Adult Guardianship and Co-decision-making Act*. Thank you very much, Mr. Speaker.