The government will also have to be consistent and adopt other pieces of legislation concerning other forms of violence towards women, including those involving genital mutilation.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, it is a pleasure to rise today to speak to this very important bill. At the outset I remind the House that I will be sharing the time with my hon. colleague from Wild Rose.

The Reform caucus supports the bill 100 per cent, without any question, without any equivocation whatsoever. We are solidly behind both the intent and the desire of the government in the bill.

The Minister of Justice in his comments spoke for quite some time and quite well about the notions of specific intent and general intent. He lost me after about five minutes with the various intents going back and forth. I guarantee that he lost the vast majority of Canadians when the whole issue of intent, specific versus common intent, was raised. That highlights the problem I would like to address in my comments today.

• (1300)

It took 15 minutes for the justice minister to use the words most associated with what should be common law in our country, that is common sense. Without the foundation or without the basis of common sense in law it does not really matter what happens because we lose everybody else.

The basic test our laws must meet is the standard of common sense. Before I get into addressing that I point out that a week before the Minister of Justice introduced the bill I introduced Bill C–303, largely based on Senator Gigantes' bill introduced from the Senate.

My bill is on dangerous intoxication which addresses the issue from the perspective already covered by the Minister of Justice. When the bill was drawn in the lottery I went before the committee of the House of Commons which was to make the decision on whether or not it would become a votable bill. My advice and my suggestion to the committee was that anything which could possibly impair the development of or hinder in any way the application of Bill C–72 should be withdrawn. The decision should be made by people in the Department of Justice who are far more qualified than I am to make such decisions.

As parliamentarians we do not want anything to confuse the issue. Our caucus is solidly behind the Minister of Justice when he says that intoxication is no defence and no reason to slide out from under personal responsibility for the results of one's actions.

The bill rests in kind of a limbo waiting to see what happens. If it is necessary or if there is a problem, there are other ways to address the issue which may not be as efficient or as good as the bill. The reason we have come to this point is that in the first place the Supreme Court of Canada misread the intent and where it is relative to the Canadian population at large.

We do not really have a problem with the common law statutes that existed prior to the Daviault decision. In my view we have a problem with the Supreme Court expanding the envelope of its jurisdiction.

The Supreme Court does not have the responsibility to make laws. The Supreme Court has the responsibility to interpret laws. If this were a single instance where the Supreme Court were seen to lose touch with reality, we could say that perhaps it had a bad day or perhaps it was having tea or sherry in a club and thought: "What can we do? How many angels will dance on the head of a pin? Why don't we get the Minister of Justice to dance around a bit to see how he responds to this bone headed decision?"

If it were in isolation we might be able to say that but the reality is that it is not in isolation. This is a consistent pattern the Supreme Court has laid down over the last few years.

About 10 years ago late Chief Justice of the Supreme Court, Bora Laskin, said: "The Supreme Court is a quiet court in an unquiet land". How things have changed as a direct result of the charter of rights and freedoms. The charter of rights and freedoms essentially says that individual rights in society are paramount. The Supreme Court is kind of between a rock and a hard place, which is why many of its decisions that seem to defy reality are split decisions.

If the Supreme Court does not defend the notion of due process—and by due process I mean dotting the *i*'s, crossing the *t*'s and making sure everything is done absolutely correctly—decisions would be overturned based on the charter of rights and freedoms or other considerations.

• (1305)

Meanwhile Parliament and the vast majority of Canadians are concerned with crime control and common sense. We have the Supreme Court on the one hand and the population and by and large parliaments assembled all across the land on the other hand. Somewhere in the middle, I suppose, is justice.

Recently the Supreme Court brought down a decision in which a woman arrested for impaired driving before she blew the breathalyser was allowed to go to the washroom. When she was in the washroom the woman alleged that she consumed more alcohol and that when she blew over the limit it was as a result of having alcohol subsequent to her arrest. Therefore they could not prove that she was driving impaired. The Supreme Court, in a move that defies logic, in a move that defies the last 30 years of trying to get drunks off the road, chose to say that the woman was innocent.