

and driving offence from 14 days to 30 days would result in additional spending in that province of \$2.7 million because of the increased numbers of people who would go to jail. You can see, Mr. Speaker, that if we introduce mandatory minimum terms of imprisonment on the 90 per cent of offenders currently fined there would be a very significant increase in the number of people jailed and a significant increase in costs.

The legislation proposes that the minimum fine be increased for impaired driving from \$50 to \$300. That would be a six-fold increase in the minimum fine. This would also bring the minimum fine more in line with what judges are actually imposing.

We are not suggesting an increase in mandatory jail sentences at this time for the reasons that have been suggested earlier. Research indicates that it will not deter impaired driving and might be counter-productive, although I am inclined to the other view.

● (1130)

As Hon. Members know, a sentencing commission has been appointed to examine the whole question of sentencing in Canada. I think it is supposed to spend the next two years on that task. It will be examining the usefulness of effectiveness of all mandatory minimum sentences. That will be included in the report at the end of the period of the commission.

In addition we are suggesting mandatory suspension of driving privileges. That appears to be an even greater deterrent to impaired driving because that sanction causes impaired drivers great inconvenience. The legislation proposes a mandatory judicial order of prohibition from driving. The maximum period of prohibition would be three years and the minimum period would be three months for a first offence, six months for a second offence and one year for a third or subsequent offence.

That prohibition will apply all across Canada. It will be superimposed. It will not depend upon penalties or restrictions which provincial registrars of motor vehicles may impose. They could still impose what penalties or restrictions they like. This will be superimposed over any penalty they may wish to impose. There will be no exceptions to the rule. Every drinking driver will have to be made aware of the risk of the loss of the privilege to drive. No matter what their personal circumstances or occupation may be, there will be a mandatory judicial order of prohibition from driving if they are convicted.

The Bill also proposes a discretionary judicial order of prohibition from driving for all other driving-related offences. There is the mandatory and the discretionary. The maximum prohibition would be for life for those offences which have a maximum sentence of life imprisonment—manslaughter or criminal negligence causing death. In the case of criminal negligence causing bodily harm or causing death or bodily harm by dangerous driving or impaired driving, it will be 10 years, and three years for all other driving-related offences. There will be much greater stress on the suspension of driving privileges.

Criminal Law Amendments

Also it is proposed in the legislation that a judge be empowered—and this is new—to order that any vehicle used in the commission of an impaired driving offence be immobilized for up to one year if the accused is the owner, the holder of a long-term lease or the principal driver of the vehicle. Another possible penalty will be that the vehicle is ordered to be immobilized. That is to ensure that persons, in particular those who do not obey or observe orders of prohibition from driving or licence suspensions, do not drive the vehicle. We all know of many instances where people who were ordered not to drive or had their licence cancelled continued to do so. The judge will be able to order that the vehicles of repeat offenders be immobilized. It will depend upon the province; they can use a Denver boot or whatever other means they want to see that the vehicle is immobilized.

We are informed that research on deterring impaired drivers indicates that the emphasis has to be put on the effectiveness of the sanction, not just how severe or how difficult it is. Some people may feel that the increase in the minimum fine from \$50 to \$300 is not severe enough to deter impaired driving, but when that is placed in the context of the other penalties which I have just outlined, it is different; then I think the sanctions are tough and effective—to have one's vehicle impounded, be prohibited from driving and so on.

Another feature of the Bill which is very necessary and has to be included with the provisions applying to driving offences is the acquisition of blood samples. In 1969 Parliament reached a compromise. It required a person to provide a breath sample, not a blood sample. That may have been an acceptable compromise at that time. However, since then we are all aware of the fact that fatalities on the highways have risen, the public is more aware of the problem, there are demands for action and more has to be done. We need other tools in addition to the obtaining of a breath sample.

It is difficult to prove responsibility under existing legislation in a number of cases where evidence may become unavailable.

Mr. Nunziata: You are just reading Mr. MacGuigan's speech.

Mr. Crosbie: This is my speech.

Mr. Nunziata: It is MacGuigan's.

Mr. Crosbie: MacGuigan's speech was prepared by the Department of Justice. The same people prepared notes for me. Many of the notes might be the same.

Mr. Nunziata: Many, many.

Mr. Crosbie: So what?

Mr. Nunziata: Can't you read your own speech?

Mr. Crosbie: If the hon. gentleman does not want to listen to me, he does not have to stay in the House. He can leave the House. I would take a blood sample from the Member if I thought I would find any blood.