

*Criminal Code*

I believe that the Department of National Health and Welfare pointed out a few years ago that 60 per cent to 65 per cent of the deaths in this country were related to lifestyles, such as smoking, being overweight, eating and drinking habits. Perhaps we are most conscious of the young life that is snuffed out by a drunken driver.

• (1740)

I am pleased the Hon. Member brought this Bill before the House. I think it is an issue that needs to be ventilated and discussed. It is not just a legal problem, as the Hon. Member pointed out, it is a huge social problem. This Bill proposes that everyone convicted of an impaired driving or related offence be automatically prohibited from driving a motor vehicle for a specific period of time. In the case of a first offence, the prohibition is a minimum of one year; for a second offence a minimum of three years; and, for a third or subsequent offence a minimum of five years. An offence of driving while disqualified, with a minimum term of imprisonment for five years is also proposed. Bill C-229 is indicative of the search for single-factor solutions to a complex, multi-faceted problem. It represents the view that a single legal counter measure will have a significant impact on the impaired driving problem.

Research in the area of impaired driving indicates that impaired drivers are not a totally homogeneous group. Some are deterred by the usual sanctions such as fines, others will not be deterred no matter how severe the sanction.

The fact that the impaired drivers range from drivers whose impaired driving was an isolated incident to those drivers who possess deviant drinking and driving attitudes, to those drivers who suffer from alcohol dependency, dictates that impaired drivers be treated differently according to the purpose of the sanction—whether it be deterrence, rehabilitation or medical treatment—for that particular offender, rather than applying a single penalty to all offenders, as has been done in the past.

The “high-risk” alcoholic impaired driver may respond to treatment and the court should be empowered to order it, rather than imposing an excessively harsh penalty which may not be effective. By the same token it may, in some instances, be beneficial to prohibit an offender from driving for a lengthy period of time, or to immobilize his vehicle, impound it. These alternatives should be available to the court. A single mandatory penalty to be applied to all offenders without alternatives where appropriate will not reduce the incidence of impaired driving. The availability of a range of sentencing alternatives such as fines, jail terms, immobilization orders, prohibition orders, treatment programs and driver education or improvement programs will allow a judge to tailor a sentence to the specific needs of the offender. Given the nature of the problem and the results of research in this area, such a policy is essential if we are to combat and overcome this terrible social and legal problem.

As I am sure the Hon. Member is aware, these sentencing alternative measures, and other measures concerning the improved enforcement of the impaired driving laws through the acquisition of blood samples, and a clearer definition and

presentation of all driving-related offences, are presented as a clear, concise, cohesive package in Bill C-19, presented to the House on February 7, 1984.

In addition to the above-mentioned measures, research indicates that increased law enforcement which accordingly increases the public's perceived risk of apprehension and punishment may be a more effective deterrent than simply increasing penalties as are suggested in the Bill.

In addition, research indicates that changing the prevalent social acceptability of drinking and driving may offer a greater preventive effect than any changes in the law or the degree to which it is enforced. For instance, when we host parties at homes in the evenings should we allow someone to leave the home after consuming alcohol and drive a car? Surely there is some public responsibility on the host. The responsibility should not all be left to the driver, although ultimately he will pay the penalty for his actions. This is a social problem, and we should all work toward ultimate solution. Thus, a non-legal approach appears to offer a great potential for effectiveness, and should be stressed and combined with the legal approach, as is indicated in Bill C-19.

Bill C-229 is presented on the prevalent belief that a single legal amendment will have a long-term impact on what is essentially a social problem. Research from around the world has indicated that this in fact is not likely to happen. The solution lies in a commitment to a long-term integrated approach designed to effect attitudinal and behavioural changes.

Clearly no one drunk-driving counter measure on its own will be effective to solve this problem. The solution, if there is one, is to be found in the combination and integration of all measures—ranging from legislation, education and media campaigns to rehabilitation of the detected drunk-driver and the inducement of discussion and general concern in the community as a whole.

The authors emphasize the need for community involvement to effect social attitude change through education and other intervention techniques. They note that:

“—if we are to have a meaningful impact on drunk-driving, we must convince not merely convicted drunk-drivers and a significant proportion of potential drunk-drivers to refrain from this practice, but also the community at large to minimize those social factors contributing to the problem. This requires a wide repertoire of intervention techniques, including educating the public about drinking and driving, about the relevant laws and sanctions, and about the costs associated with being charged and convicted of a drunk-driving offence; increasing subjective and objective probabilities of apprehension; highly visible and consistent enforcement of the relevant laws; rehabilitation of convicted drivers; and, finally, the adoption of new techniques as they are developed.”

What we found on the Ontario highways last December when there was a massive enforcement of the laws, spot-checks, and so on, was that the actual number of convicted and apprehended drinking drivers dropped dramatically because people were made more conscious of the danger of drinking and driving. People talked about it at parties and they were conscious and very careful of the problem.

In the past, governments in all countries have relied primarily on the legal approach—steadily increasing and stiffening the penalties—based on deterring persons from driving after drinking by the threat of arrest and punishment. It has become apparent, however, that the impaired driver will not be