

Criminal Law Amendment Act, 1972

when we brought forward the Criminal Records Act, because many sons and daughters of rich people found that the restrictions of a conviction, in regard to employment, travel and bonding, were too severe. Therefore we brought in amendments to the Criminal Records Act.

I would assume this to be one of the underlying reasons we are bringing forward this amendment. I do not justify it on those grounds but on the ground that it will affect all persons who are charged. I thought the minister was quite right in saying it grants a tremendous discretion to judges. It imposes upon him as Minister of Justice the job of selecting as judges men who are enlightened and have in mind the reformative and rehabilitative rather than the punitive and coercive aspect. If we get that type of person acting as a judge, applying attitudes of reformation and rehabilitation, I hope he will not be influenced by any difference in income or status of young persons who appear before him. If he is not, then we will have taken a giant step forward in respect of this problem.

• (2130)

Mr. Speaker, the minister was quite right in saying that another advance has been made in the inclusion of the provision regarding the serving of intermittent sentences. How many times has a man lost his job, having received a short sentence of jail or reformatory. The loss of his job has affected the security and the happiness of his family. The provision for the intermittent serving of sentences where the sentence does not exceed 90 days is a welcome step forward and I hope that judges will use it frequently in sentencing. It will enable a person to hold his job and to retain contact with his family. It is a step in the right direction.

I said at the beginning of my speech that Canada needs a criminal law which is credible, forcible, flexible and compassionate. I said that we have not gone the full distance but we are moving in that direction. The Minister of Justice said that he seeks the support of the members of this House in making changes to the criminal law. He can be told that he has our support because this matter far transcends political parties and necessitates the co-operation, participation and partnership of all of us to ensure that we develop a system of penology which is consistent with attitudes of reform and rehabilitation and is credible, forcible, flexible and compassionate.

We in this party support the provisions of this bill and I hope we can bring forward constructive criticism when the bill is referred to the standing committee.

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I am glad to be able to make a few comments on this bill. First I want to congratulate the minister on his new appointment. I congratulate him also on the fact that he has been able to introduce as his first substantial measure this very excellent bill amending the Criminal Code. The high quality of the speeches of my friends the hon. member for Halifax-East Hants (Mr. McCleave) and the hon. member for Broadview (Mr. Gilbert) has been an indication that the spirit of the House with regard to these matters is not, and should not be partisan.

There is a reasonable approach, not only by members of the House who are members of the bar and have practised

[Mr. Gilbert.]

the law but by members who have an interest in this matter. It is an indication of their earnest sincerity in their attempt to improve the quality of our laws. The minister had to carry a heavy burden in his previous portfolio. If I were speaking on matters having to do with his previous responsibility, I could not congratulate him. But this is a reward for a minister who has laboured hard and zealously. He still has the burden of the blind goddess in one hand and the sack of wheat in the other. I think it is bound to cramp his style to some extent.

I will not go into the details of the bill, with the exception of one issue on which I will make a few general comments. I notice there is an amendment in the bill with regard to the breathalyzer test. When the minister responds, I wonder whether he would give an indication with regard to the situation which exists so far as concerns various judicial decisions which have been made. How does the breathalyzer provision stand now, to what extent is it valid, what is the status of some of the appeals, and when will there be an authoritative decision from the Supreme Court of Canada?

I was following this matter with interest but work has prevented my continuing to do so. Perhaps the minister will be able to indicate that there have been settlements. My understanding is that there have been some successful challenges to the legislation. I think there was one decision which validated it and a more recent decision which invalidated it because of certain facts. I know that the former minister of justice did have some problems there and perhaps the minister will be able to bring us up to date.

I do not wish to deal with particular issues. My hon. and learned friend, the hon. member for Halifax-East Hants, has indicated our approach. We will examine the proposed amendments with care and be prepared to make suggestions as to changes from time to time. However, I want to make one or two general observations and suggestions to the minister. I know that we have a law reform commission. I know there are some professionally trained people in his office. But I think, Mr. Speaker, that it would not be without benefit if the standing committee of the House, in addition to the excellent work it does—and I only regret that I am not able to be a member of it as I used to be—had a general observing jurisdiction to deal not only with legislation which comes before it, not only with private members' bills which may be referred to it, but to look at the question of criminal law reform.

This committee would work in consultation with the officials of the minister's department, with members of the judiciary, with the respective attorneys general and their officers and with members of the bar, so that there may well be an opportunity for legislation, not to be initiated—I know the responsibility for initiation of legislation is that of the government—but to be studied by members of the House who are probably in more continuous and closer contact with members of the public. I refer particularly to those members of the committee who when they are at home or travelling in other parts of Canada are bound to pay close attention to observations and discussions about the state of the criminal law and the feelings of people, and are bound to be influenced by the impact of the criminal law upon the people of Canada.