

Criminal Law Amendments

Mr. Crosbie: Anything that can fascinate the Hon. Member for Vancouver-Kingsway has got to be of some interest to everybody, Mr. Speaker.

Some Hon. Members: Oh, oh!

Mr. Crosbie: Depending on the province, 25 per cent to 40 per cent of all Criminal Code matters dealt with by the courts are for impaired driving, driving when one has over 0.08 per cent of alcohol in one's blood or for refusing to provide a breath sample. Convictions for those offences account for 20 per cent to 25 per cent of all provincial jail admissions.

There is a noise in the Chamber, Mr. Speaker. Maybe somebody is being taken away now.

Some Hon. Members: Oh, oh!

Mr. Waddell: They are calling for you, John.

Mr. Crosbie: I think there is a Cabinet meeting on, Mr. Speaker.

Some Hon. Members: Oh, oh!

Mr. Crosbie: The average daily cost of incarcerating an individual—I would have said, had I written this, "jailing" an individual—is approximately \$65. The direct cost to the taxpayer is therefore pretty significant.

Mr. Nunziata: Mr. Speaker, the Minister just said, had he written what he is delivering. The former Minister of Justice and Attorney General of Canada on November 9, 1983 delivered a speech to the Victoria Chamber of Commerce in Victoria, British Columbia—

Mr. Speyer: What is the Hon. Member's point of order?

Mr. Nunziata: The Minister has misled this House. He has virtually plagiarized a speech delivered—

Some Hon. Members: Order.

Mr. Deputy Speaker: Order, please. The Hon. Member does not have a point of order.

Mr. Crosbie: Mr. Speaker, I was interested in that point of order. It shows the degree of imbecility that one can come across in this House.

Some Hon. Members: Oh, oh!

Some Hon. Members: Hear, hear!

Mr. Crosbie: These are notes prepared by the Department of Justice. I am going to use them. If the hon. gentleman wants to say that some Liberal used similar notes a couple of years ago, all I can say is that I hope he delivered them as well as I am delivering them.

Mr. Deputy Speaker: The Minister should go on with his speech and not argue a point which the Chair has ruled is not a point of order.

Mr. Nunziata: This is the epitome of laziness. You liked our Bill so much you took our speeches.

Mr. Speyer: There are echo chambers between your ears.

Mr. Crosbie: The hon. gentleman has just come from Queen's Park. That explains it.

Mr. Nunziata: You have had too much to drink.

Mr. Crosbie: Drinking and driving is perceived by the public to be a matter of concern. There is more public support for tougher drinking and driving legislation. There is some evidence that the desire for heavier sentences has focused particularly on drinking drivers who have been involved in serious traffic accidents and have killed or injured innocent people. The surveys show that a majority of people do not favour a mandatory prison term for a first offence. They prefer instead fines in the range of \$100 to \$500. A substantial majority appear to support mandatory imprisonment for a second offence. I would be prepared, I think, to consider a mandatory prison term for a first offence, but the public does not appear to favour that yet. However, if the steps we are taking now do not appear to result in a satisfactory response, then the Members of the House can consider that in future years.

The experience also suggests, and this is interesting, that where legislative reforms are introduced with considerable publicity and accompanied by enhanced enforcement efforts, alcohol-related traffic fatalities decrease in the short run but return to their previous levels within a period ranging from several months to a year or two. In other words, when the House passes this legislation and there is publicity and enhanced enforcement, the statistics will show that the number of traffic fatalities from alcohol will go down.

The view is widely held that legislation tends to be effective in the short run because drinking drivers perceive that there is a higher probability of being apprehended and punished. That kind of perception does not continue as publicity dies down and enforcement efforts are relaxed because drinking drivers feel that there is a low probability they will be caught. Therefore, a driver's perception of the risk of being caught is a more critical factor in the longer term than the severity of the sentence.

The most significant implications that might occur would flow from a decision to make more extensive use of incarceration. Experience in the United States suggests that if you introduce jailing rather than fining, those kinds of changes can lead to more plea bargaining, larger numbers of contested trials and increased pressure on prison facilities. The American Bar Association reported that mandatory sentencing for drinking and driving offences caused overcrowding of jails in almost every section of the U.S.

We cannot predict with any precision what the impact on our justice system might be with these possible amendments to the Criminal Code. It is interesting to note that British Columbia officials have estimated that increasing the mandatory minimum period of imprisonment for a second drinking