

*Criminal Code*

Let me refer first to the proposal to create a new offence under the Criminal Code to cover harassing telephone calls. As was stated in the minister's explanatory notes of December 9 on this point, what is intended is that the ingredient of the offence shall be the making of, or causing to be made, repeated telephone calls to a person with the intent of harassment. Many persons have at one time or another been subject to this type of harassment, and it is hoped that the amendment will reduce, if not eradicate, this type of behaviour. On that same point, in my Bill C-95, to amend the Criminal Code—harassing telephone communications—I said in part in my explanatory notes:

The purpose of this bill is to amend section 315 of the Criminal Code so as to provide for the punishment of everyone who, with intent to harass or torment another person, repeatedly contacts such person by means of telephone communications.

I am certainly right behind the government's proposal to change the provisions of the Criminal Code in this regard.

The second issue to which I wish to refer briefly is the government's proposed amendment in respect of cruelty to animals. The minister's departmental explanatory notes of a few weeks ago contained the following:

The most significant change in the law relating to cruelty to animals is a provision that will enable the court that convicts a person of cruelty to animals to make an order prohibiting that person from keeping a domestic animal or bird during any period not exceeding two years from the date of the conviction.

The court will be entitled to make such an order if the person convicted has been previously convicted of cruelty to animals and it will be an offence for a person against whom such an order is made to keep an animal in contravention of the order. The order of prohibition will, of course, be in addition to any fine or imprisonment or both that may be awarded by the court for the offence of cruelty. An amendment of this nature has been recommended by the humane societies.

The humane society of Canada, the S.P.C.A., and the animal welfare group, along with others interested in this matter, have for years urged the government to take this step. If this amendment passes, as I hope it will, it will result in a great improvement in the condition of many animals which have been subjected to cruelty by their owners. I also support this amendment wholeheartedly because of my Bill C-69, of some years standing, to amend the Criminal Code, which has similar provisions regarding cruelty to animals.

[Mr. Mather.]

The third point I wish to deal with in supporting the government's proposal to amend the Criminal Code at this time has reference to the subject of drinking and driving. The minister stated in his explanatory notes:

As the very thorough Grand Rapids study of the role of the drinking driver in traffic accidents showed, the probability of accident involvement increases rapidly at blood alcohol levels over 0.08 per cent—an accident involved driver in this class is almost twice as frequently involved in a fatal or serious accident as the non-drinking driver. It has therefore become apparent that the legislation must set a blood alcohol level which the hard facts of death and destruction demand. The present bill therefore reduces from .10 to 0.08 the level above which it will be an offence to drive. This level was recommended by the Canadian Bar Association and by the Standing Committee on Justice and Legal Affairs—

● (4:50 p.m.)

This is the level established in the British Road Safety Act of 1967, following the recommendation of the British Medical Association. I think we are probably all familiar with the very substantial reduction in death and destruction which has followed the enactment of the British legislation and the enforcement of the breathalyzer test in that country. It is estimated that the legislation saved 1,000 lives in its first year of operation.

In this area the government has gone a very long way along the line I advocated in my private member's bill in 1967. I refer to Bill C-21, an act to amend the Criminal Code, which also spelled out .08 per cent alcohol in the bloodstream as being the level of impairment above which a person should not drive. Bill C-21 was sent to the justice and legal affairs committee for consideration, and many sessions of that committee were held at which we heard expert witnesses testify. We had 13 meetings extending from April to November of 1966, I believe. The result was a unanimous report by that committee recommending the very steps which the government is now proposing.

I hope to conclude my remarks prior to private members' hour so I will not quote at length from the report of the justice and legal affairs committee setting out their reasons for supporting the type of legislation the administration is now bringing forward. In brief, the report states:

It is the opinion of your committee, having heard these witnesses and examined documents in detail dealing with breath tests in various countries for impaired driving, that such tests are an accurate method of determining blood alcohol levels.