

Criminal Law Amendments

Mr. Speyer: Why not pass it, then?

Mr. Nunziata: With respect to the drunk driving provisions, we were prepared to pass them—10 months ago, but because of petty partisan politics, Mr. Speaker—

Mr. Speyer: On your part.

Mr. Nunziata: —the Progressive Conservative Party stalled and delayed.

Mr. Kempling: You were not here.

Mr. Nunziata: These amendments were necessary in order to toughen the laws with respect to drinking and driving. The Minister of Justice agrees so much with the drunk driving provisions that he had the audacity to read actually from a speech delivered by the then Minister of Justice, the Hon. Mark MacGuigan, on November 9, 1983.

Mr. Kempling: How terrible.

Mr. Nunziata: He was reading verbatim from parts of that speech. We appreciate that our speeches are good, but we would simply ask the Government—

Mr. Thacker: I rise on a point of order, Mr. Speaker. I am sure my friend opposite would not deliberately want to mislead the House. Beauchesne is quite clear. The Minister answered that allegation by saying he was reading from Department of Justice notes, the same notes with which the Department had prepared the speech for the previous Minister. That was my point.

Mr. Deputy Speaker: The Chair does not rule that this is a point of order. The Hon. Member for York South-Weston may continue in debate.

Mr. Nunziata: Mr. Speaker, I simply ask, with the greatest of respect, that when the Government intends to use speeches delivered by Liberal Ministers, that it ask permission before it plagiarizes.

Some Hon. Members: Oh, Oh!

Mr. Marchi: Or acknowledge it with a footnote.

Mr. Nunziata: Mr. Speaker, the Parliamentary Secretary says he would be surprised indeed if any Member were to have serious disagreement with any of these provisions. I would like now to surprise him, notwithstanding that the official critic of the Liberal Party has indicated that the Liberal Party fully supports the drunk driving provisions and would be prepared, if we could only gain agreement of the NDP and the Government, to pass those provisions immediately. We believe that even though improvements can be made to the drunk driving provisions, they are so necessary and important that they should come into effect immediately. We would have liked to have seen the amendments come into effect before the Christmas season, because it is at this time of year that public awareness is heightened with respect to drinking and driving.

If we wanted to send out very clear and definite messages to those who drink and drive, now or three or four weeks ago would have been the time of year to do it. However, it appears that the Government fell asleep at the switch, either deliberately or innocently.

● (1600)

Although I did indicate that we would be prepared to pass this Bill as it is as there would be an opportunity at a later time to improve it, I would like to indicate to the Hon. Parliamentary Secretary the concerns that I have with respect to the various penalties with regard to drinking and driving. I am concerned specifically with certain inconsistencies. The Bill provides that on a second offence for drinking and driving there is an absolutely mandatory 14-day prison term.

Mr. Speyer: The same as it is now.

Mr. Nunziata: That is the same as it is now, as the Parliamentary Secretary points out. There is a minimum. As the Member is aware, Mr. Speaker, there are very few Criminal Code offences that carry minimum sentences. This particular offence is one of those few. Yet, with respect to the new offence of impaired driving causing death, there is no minimum sentence.

I would like to present a hypothetical situation to the House. Consider a situation in which someone deliberately consumes alcohol, becomes intoxicated, gets into his automobile and, with reckless and wanton disregard, causes an accident and the death of an innocent individual. In that case there is an option for the court not to impose a prison term. In the case of an individual who, on two occasions, may have had four or five drinks, the minimum amount of alcohol required to constitute a criminal offence, that person must, by law, serve a 14-day minimum jail term. That is an inconsistency that I am concerned about with regard to the drunk driving provisions of this Bill.

I am hoping that these concerns can be remedied. I am not quite certain what consultation process the Government went through before it introduced this legislation.

Mr. Speyer: This is your Bill.

Mr. Nunziata: I fully recognize that this is a Liberal Bill, and it is a good Bill. It is an excellent Bill and we wanted to pass it in February of this year, but because of petty politics, Mr. Speaker, that Party stalled.

Mr. Epp (Provencher): Let's pass it in December then.

Mr. Nunziata: They stalled and delayed, and because of their stalling and delaying more drunk drivers were permitted to drive and to kill and maim and to produce carnage on the highways.

Mr. Speyer: Let's get serious.

Mr. Nunziata: I assure the Hon. Member that I am very serious. I would have hoped that the Progressive Conservative