

Criminal Law Amendments

When I am finished outlining the provisions that are in the Bill, most of which are not new to Members of the House, having been proposed last year in Bill C-19, I trust and hope that Members of the House will be—

Mr. Prud'homme: There are 125 new Members.

Mr. Crosbie: That is right. There are 125 new Members and just about all of the old Members replaced were Liberals. It is a painful memory for the hon. gentleman, but the new Members who replaced the old Members are quick-thinking, intelligent, alert and they can catch up on these things.

Some Hon. Members: Hear, hear!

Mr. Nunziata: Thank you.

Mr. Crosbie: It does not take too long for them to catch up on what the old Members had learned.

Mr. Nunziata: I agree with you, John.

Mr. Crosbie: I know that you will want to listen to me in dead silence and not interrupt me.

Mr. Ouellet: Dead silence?

Mr. Crosbie: Dead silence is probably the best kind of silence you can have after a caucus party.

With the exception of Bill C-127, which was enacted in 1982 and dealt primarily with sexual assault, extensive amendments have not been made to the criminal law since 1977. Our Bill presents proposals to amend the law concerning impaired driving and other aspects of the Criminal Code. As I have said, many of them were introduced last year in Bill C-19. I do not view changes to the criminal law as being partisan or feel that it should all originate in the mind of one political Party or the other. We are quite prepared to give hon. gentlemen opposite credit for coming forward with these changes last year. That is, of course, why we expect their co-operation in passing this Bill through the House and into committee as we have requested. The parts before the House now are either needed on an urgent basis or are needed and are non-controversial.

I have mentioned some of the main points that we are dealing with in the legislation. First, let us deal with impaired driving. We all know that the consumption of alcohol seriously affects a person's ability to drive. In fact, it seriously affects a person's ability to perform generally. Certainly, the ability to drive is impaired by alcohol. In spite of this, there are tens of thousands of people who insist on driving while their ability to drive is impaired by alcohol.

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I remember being extremely impressed during a visit to Switzerland some years ago on a financing deal on behalf of the Newfoundland Government. I can say that I was not visiting my bankers but was there on business for the Newfoundland Government to borrow some money. Arrangements had been made for us to see the president of one of the major

Swiss banks. As it turned out, we could not see him because he was serving a jail sentence for impaired driving. There are no options in that country; there is no namby-pamby option of a fine in Switzerland. If a person is convicted for impaired driving that person goes to jail. It does not matter if you are the president of a bank and earning \$500,000 a year. Perhaps we will have to consider that in other years if this legislation does not improve the situation.

Impaired driving is one of our most serious social problems. On any given night, 25 per cent of the drivers on the road in Canada have been drinking, 6 per cent of whom are legally impaired, according to the studies. That is a frightening statistic. If one drives along the Trans-Canada Highway in Newfoundland—believe me, that is the highway on which you need to have all of your faculties at their pitch of perfection in order to survive anyway—when one considers that 25 per cent of the drivers on the Trans-Canada Highway in Newfoundland have already been drinking and 6 per cent are legally impaired, one would turn one's car in and walk from then on.

It is estimated that alcohol is involved in 50 per cent of all fatal traffic accidents and in 30 per cent of all injuries caused in traffic accidents. Drunk drivers take the lives of some 2,500 Canadians each year. I think we all agree that this is alarming and that we must do something to attempt to stop that kind of carnage.

Our legislative response in this Bill focuses on three main concerns: new offences concerning the impaired driver who injures or kills; second, the penalties meted out to impaired drivers; third, the deficiency in the law whereby an impaired driver can, in certain circumstances, avoid a blood test to determine the amount of alcohol in his bloodstream. Such a circumstance could be if he is admitted to a hospital or is suffering in some way.

These are the three areas with which we want to deal. There are offences which address the causation of death. For example, there is manslaughter which is causing death or bodily harm by criminal negligence. However, there is a serious discrepancy between the incidence of fatal or serious collisions and the rate of convictions on those offences. In part, this may be due to the exercise of prosecutorial discretion but there are legal reasons as well.

When dealing with offences based on negligence, proof of impairment of the ability to drive will not support a finding of criminal negligence unless accompanied by extrinsic physical evidence of conduct that shows wanton or reckless disregard for the lives and safety of others. That is why it is difficult to get convictions for motor manslaughter. Therefore, the present provisions applicable to situations where impaired driving causes injury or death are not broad enough to be applied in all instances where death or bodily harm has resulted.

We are introducing new offences in this Bill. In order to expand the scope of liability in cases where the driver's consumption of alcohol or drugs was the cause of the death or the injury, we are proposing that new offences of dangerous driving and impaired driving causing death or bodily harm be enacted specifically to address the causation of death or bodily