

Mr. KENNEDY (Winnipeg): But section 65 has inserted in it the provision:

Subject to the legislative jurisdiction of the parliament of Canada.

Mr. ILSLEY: I have followed with interest what the hon. member for South Winnipeg (Mr. Kennedy) has said and I gather he is suggesting that a provision such as this be inserted after the word "Canada" in the second line of the section:

Or which is subject to the legislative jurisdiction of any province and declared by the legislature of that province to be subject to the provisions of this act.

Mr. KENNEDY (Winnipeg): Exactly.

Mr. ILSLEY. The section would then read as follows:

Where in any industry subject to the legislative jurisdiction of the parliament of Canada or which is subject to the legislative jurisdiction of any province and declared by the legislature of that province to be subject to the provisions of this act—

And so forth. I would call the attention of the Minister of Justice to that so that he may give it consideration and see whether it would effect the end desired by the price spreads commission and by the hon. member for South Winnipeg. If he would like to move it I will second it.

Mr. KENNEDY (Winnipeg): I realize in a Saskatchewan case—I think the Minister of Justice is familiar with it—that was recently decided, it was held that a province could not, by declaring a matter within its exclusive jurisdiction to be federal, make it federal; in other words, a province could not detract from its own jurisdiction and hand it over to the federal government, or vice versa. But I do not know that that is the final word on the matter. While that is a weakness, yet I think we make progress only by meeting these difficulties when they arise, and if it will do no harm to broaden the scope of this act and if there is a possibility of real service being rendered to industry, to employers and employees in the community, it is well to do so.

Mr. GUTHRIE: My fear is that if we pass that amendment we take a very serious chance on the whole clause. We have submitted to council a clause that we believe will stand the test. I would not like to weaken it now by inserting something that is highly controversial and that in my opinion would render the clause useless.

Section as amended agreed to.

Bill reported, read the third time and passed.

CRIMINAL CODE AMENDMENT

Hon. HUGH GUTHRIE (Minister of Justice) moved the second reading of Bill No. 73 to amend the Criminal Code.

Motion agreed to, bill read the second time, and the house went into committee thereon, Mr. Morand in the chair.

Section 1 agreed to.

On section 2—Sections 1035 and 1081 not to apply.

Mr. BROWN: I understand the purpose of this section is to make it obligatory upon a magistrate to impose a gaol sentence upon anyone driving an automobile while under the influence of liquor. Is the minister satisfied that this section will accomplish that purpose? I understand that sections 1035 and 1081 refer to exceptions that may be made in the imposition of gaol sentences and that this clause does away with those exceptions so that the imposition of a gaol sentence will be obligatory. I think this offers an opportunity to bring to the attention of the committee and of the country a very serious condition of things. To my mind the man who operates a motor car while under the influence of intoxicating liquor is a potential criminal. I am fully in sympathy with the law being applied to the utmost in imposing a gaol sentence upon a man who causes an accident while driving an automobile when he is under the influence of drink. But there is a serious aspect to the matter which I do not think the public as a whole considers; that is it has never yet been decided how to determine when a man is drunk and when he is sober. So long as this confusion prevails the evil resulting from the use of intoxicating liquor is not going to be remedied. I saw a statement the other day to which I think the committee should give serious consideration, that so long as the idea prevails that a man is not drunk so long as he can stand on his feet, just so long will the statistics concerning the connection of alcoholic liquors with motor accidents be valueless. They are entirely useless because of that attitude on the part of magistrates. That is the situation which confronts us. It has been proven by scientific test that the first drink is the dangerous one.

Some hon. MEMBERS: Oh, oh.

Mr. BROWN: I know this becomes a subject of ridicule, but that has been proven, that the first drink of alcohol incapacitates a man from acting quickly.

Mr. KENNEDY (Winnipeg): Does the hon. member speak from his own knowledge?