

HOUSE OF COMMONS

Wednesday, May 3, 1950

The house met at three o'clock.

STANDING ORDERS

First report of standing committee on standing orders.—Mr. MacLean (Cape Breton North and Victoria).

CRIMINAL CODE AMENDMENT

REPORTED PROVISION FOR COMPULSORY BLOOD TESTS OF INTOXICATED DRIVERS

Hon. Stuart S. Garson (Minister of Justice): On Monday evening last the hon. member for Lake Centre (Mr. Diefenbaker) asked me a question, which is reported at page 2054 of *Hansard*, in reference to a report which had appeared in one of the Ottawa newspapers of that date, to the effect that a provision for compulsory blood tests for persons suspected of driving while drunk is being considered for inclusion in the Criminal Code. He wanted to know whether that report was correct. The newspaper report states that federal authorities now feel that the science of blood testing to establish alcohol content and relating the information to the driving capacity of a car operator has reached the point where it could be used in connection with prosecutions.

The source of this news report is not disclosed, but I should like to state emphatically that there is not the slightest foundation in fact for it. Neither the Department of Justice nor the Criminal Code revision commission has under consideration a proposal to amend the Criminal Code to compel persons accused of drunken driving to submit to the taking of a blood test.

Some time previously another newspaper contained a report that I had addressed communications to the attorneys general of the provinces proposing changes to be made in the law respecting drunken driving. I had not written any such letters, nor had I under consideration any proposal to do so. I concluded that this previous news report had some connection with the fact that the Criminal Code revision commission, which was sitting at Ottawa at the time, had given a direction to its secretary to submit two questions to the deputy attorney general of each province, asking first, whether, as a result of experience in enforcing section 285 of the

Criminal Code, they would favour retaining the provision of the law that calls for a minimum sentence of imprisonment on conviction of drunken driving, and, second, what compulsory period of suspension of the driver's licence they would favour as a result of their experience.

At the present time these are the only matters relating to the drunken driving provisions of the Criminal Code that are under consideration.

Mr. Diefenbaker: May I refer to the fact that, according to a press report, the attorney general of British Columbia, Gordon S. Wismer, announced on April 29 that amendments are being drafted to the Criminal Code to stop the many acquittals the courts have been forced to render.

The report goes on to say:

He said the question was discussed with F. P. Varcoe, deputy minister of justice. Blood tests, balloon tests and other examinations for drunkenness were being investigated. Also being considered was placing the onus on the person suspected of drunken driving.

Mr. Wismer said:

And I expect a letter any day now asking my opinions on contemplated code changes.

Mr. Wismer apparently thinks it was under examination.

Mr. Garson: Since my hon. friend has read that report, and notwithstanding its contents, I think I should again assert that the communication which I have given to the house is quite correct. I think in fairness to Mr. Varcoe I should say that he and I conferred in its preparation.

UNEMPLOYMENT INSURANCE

APPOINTMENT OF MEMBERS TO ADVISORY COMMITTEE

Mr. Paul E. Cote (Parliamentary Assistant to the Minister of Labour): Mr. Speaker, I wish to lay on the table copy of order in council P.C. 2044, of April 27, 1950, authorizing the appointment of T. H. Cooper, of Montreal, representing the railway companies, and A. J. Kelly, of Ottawa, representing the railway brotherhoods, as members of the unemployment insurance advisory committee, in accordance with the amendments to the Unemployment Insurance Act providing for two additional members of the committee.