

but for a person to blow over the statutory limit. That statutory limit, whether or not the person is impaired, is the 0.8 reading which we have today. The law is moving in such a way that there is a substantial body of opinion which believes, as they do in other jurisdictions, that the limit should be further reduced to .05. Now, finally, in the fullness of time, there are more severe penalties for those who drink and drive.

● (1530)

The Hon. Member for Vancouver-Kingsway (Mr. Waddell) asked a very pertinent question. He asked if these tougher impaired driving laws were going to be the panacea which Canadians hope they will be. The Minister of Justice (Mr. Crosbie) and the Hon. Member for Vancouver-Kingsway said that it was only a partial answer.

I would like to tell the House a story. I spent some time in Sweden. Back in the early seventies there were very restrictive driving and drinking laws in Sweden. If charged, a person was automatically incarcerated in that jurisdiction. But there is something far more than that which Canadians must learn—

**Mr. Keeper:** Socialism.

**Mr. Speyer:** Not socialism. We have enough of that. What Canadians must learn is that it is wrong to drink and drive. Those good people who would have absolutely no thought of breaking and entering, stealing or committing a crime in which there is some sense of moral opprobrium, will get into a car, having had too much to drink, and drive it with the potential of risk. In a sense, the legislation forms a deterrent. I would say to all Members of the house, and to the people who may be watching these proceedings, that that is not the whole answer. In the home, parents teach their children what is right and what is wrong. Good education tries to instil in young people a sense of ethics and morality. Until the day comes when people think it is just as wrong to enter a car after having consumed alcohol as it is to commit a crime, this legislation will only be part of the answer. Over the fullness of time, people will become increasingly aware that it is not only illegal, but that it is morally reprehensible to drive when they have had too much alcohol.

For a lot of us there is a certain amount of personal hypocrisy in that. I know that is the way society is moving and it is the way in which changes have evolved in other aspects of criminal law. As sure as I am standing here, in 10 or 15 years, I know our children will not understand how we could have been so lax with respect to drinking and driving in previous years.

There are other aspects of the legislation about which I would like to speak. One of them is the necessity to have a degree of flexibility. There are no minimum penalties which have been increased. Judges still have the ability, in worthy cases, to exercise discretion in favour of the accused. We cannot categorize every case in terms of minimum laws. This legislation increases the penalty in cases which are reasonable. If a person assumes the risk of getting into an automobile after drinking, whether or not that person intended to, and causes

injury, bodily harm or death, that person will be susceptible to a very harsh penalty. In the case of bodily harm, the penalty will be ten years. In the case of death, the penalty will be 14 years. That is the risk which is being run. It is one of the deterrent aspects of the legislation.

A new feature of the Bill which I would like to draw to the attention of Hon. Members is that normally in criminal law offences the offender is punished. However, in this legislation, which is subject to being proclaimed in each and every province, there is the provision for a judge to order the immobilization of a vehicle. Why is that included in the legislation? It is in the legislation so as to prevent the prohibition—when a person cannot drive after a conviction—from being neglected or disobeyed. This happens often. One of the ways to punish the offender is to seize the vehicle. The vehicle is not being impounded, it is being immobilized. The intention does not involve the cost of bringing the vehicle to a pound. The provinces must decide what they will do. It may very well be that a vehicle will end up in the owner's garage, locked with a device such as the Denver boot. The power will be with the courts to order immobilization in some circumstances.

The Hon. Member for Vancouver-Kingsway mentioned some concerns with respect to telewarrants. I hope that I am second to nobody in terms of defending rights. When I first considered telewarrants, I was concerned and apprehensive because it was a new system. I agreed that writs of assistance had to go. I was glad to see the Ontario Court of Appeal strike them down as unconstitutional. However, in emergency circumstances we had to put an authorization in place by which a judicial officer could issue a warrant. I ask Members to focus on this point. A telewarrant is an extraordinary measure. The normal measure is an ordinary warrant. It is a warrant which protects people from police or other people of authority entering their houses, offices, cars or domains. Under normal circumstances, that is what will happen. Normal warrants will be taken out and sworn before a justice of the peace.

However, there are extraordinary circumstances. For example, if a person is found unconscious and a police officer suspects that that person has been drinking, then the police officer will be forced to comply with all the conditions before obtaining a warrant. He will have to swear an oath and set forth the facts upon which that oath is taken. Then the police officer must confirm it. I hope that in practice there will be tape recordings of the oaths. Then the authorization will be given to a medical practitioner who will take a blood sample. If a person is in northwestern Ontario and an emergency situation occurs, a police officer will have the ability to swear under oath that he has reasonable and probable grounds to believe an offence has been committed, to state the facts upon which his belief pivots and, under those circumstances, an oath would be forthcoming, subject to it being confirmed. The protections are there.

The Hon. Member for Vancouver-Kingsway asked where the proposition came from, and I would like to answer that. Believe it or not, it came from the Law Reform Commission. I have been here since 1979 and I have never known of a Law