



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 055 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Monday, March 6, 2017

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Chair

Mr. Robert Oliphant

Standing Committee on Public Safety and National Security

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• (1535)

[English]

The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)): I'm calling the 55th meeting of the Standing Committee on Public Safety and National Security to order to do committee business.

We have a few issues to take care of, and then we're open to anything that comes forward in committee. We are not in camera, and we can begin with a piece of business that I understand will be coming from the government side. After that, I have a couple of pieces I would like to do. One is the report from the meeting of the subcommittee on agenda and procedure, held on February 22, and the other is to discuss the travel budget. We'll do that after the first piece of business.

Monsieur Picard.

[Translation]

Mr. Michel Picard (Montarville, Lib.): I would like to move a motion, please.

We've submitted the motion to the clerk in both official languages.

Mr. Chair, do I read the whole thing?

The Chair: Yes, please.

Mr. Michel Picard: Thank you.

I'll wait until everyone has a copy of the motion before proceeding.

I move that the committee report the following to the House in relation to its study of Bill C-226:

The Committee recognizes that impaired driving, either by drugs or alcohol, is a serious issue in need of robust and comprehensive federal action. The Committee recognizes the crucial need to support victims and public safety officers in these cases, and to do so in a way that appropriately balances the public safety of Canadians with the *Canadian Charter of Rights and Freedoms*.

While the intent behind Bill C-226 is commendable, the Committee has concluded, based on the evidence provided during its study, that the legal problems with the Bill far outweigh the potential salutary effects. The impaired driving provisions are the most heavily litigated in the *Criminal Code*. As such, changes of this magnitude require a comprehensive and balanced approach to be effective. Based on testimony and briefs from witnesses including the Privacy Commissioner of Canada, the Canadian Bar Association, and Mothers Against Drunk Driving, the Committee is not convinced that the majority of the measures proposed in Bill C-226 are either balanced or effective. With the exception of random breath testing, Mothers Against Drunk Driving told the Committee that "Even if all these measures are upheld under *The Canadian Charter of Rights and Freedoms* (Charter), they would not have a major impact on impaired driving and related crashes, injuries and deaths."

In addition, the Committee heard from a number of witnesses that the provisions for stricter mandatory minimum penalties and random breath testing may violate the *Canadian Charter of Rights and Freedoms*. As this was submitted as a private

member's bill, it was not subject to the usual constitutional review conducted by the Department of Justice under the *Department of Justice Act*. The Committee heard from several expert witnesses who raised concerns about the constitutionality of the legislation, including the Criminal Lawyers Association who testified that "there are sections of the bill that are unquestionably unconstitutional." The Committee therefore cannot say with any degree of certainty that the majority of the provisions included in Bill C-226 would pass constitutional muster.

The Committee therefore requests the Government introduce robust legislative measures to reduce the incidence of impaired driving at the earliest opportunity, however, pursuant to Standing Order 97.1, the Committee recommends that the House of Commons not proceed further with Bill C-226, An Act to amend the Criminal Code (offences in relation to conveyances) and the Criminal Records Act and to make consequential amendments to other Acts.

Thank you.

[English]

The Chair: Thank you.

That has been moved. We now have discussion.

Mr. Clement.

[Translation]

Hon. Tony Clement (Parry Sound—Muskoka, CPC): I want to thank my colleague for his comments and motion. However, I support the bill introduced by my colleague, Mr. Blaney.

[English]

I think it's fairly clear that we had testimony relating to the legal status of this particular bill. I thought it was clear from the testimony that it could withstand some constitutional challenge. I'm not saying it's 100% clear, because, as a former lawyer—I guess I still pay my fees, so they still get their money from me—these things are sometimes not clear in their predictive value. But I also think it's important that we maintain some fidelity to the testimony we heard from mothers, fathers, sisters, and brothers whose lives were so terribly disrupted by what can only be termed "an act of violence" using the cars as the weapon of choice, unfortunately. That's my personal position. I would like to see the bill continue. I respect my colleague, as I said, but that's my position.

[Translation]

The Chair: Mr. Dubé, you have the floor.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Mr. Chair.

I want to thank Mr. Picard for his motion and tell him that I agree with what he submitted. I especially like the fact that his motion recommends that the government introduce other legislation in the place of Bill C-226, so that we don't face a void following this discussion.

When a committee decides that a bill from a member can't move forward, the NDP usually at least acknowledges the importance of the issue and proposes something else. I acknowledge the relevance of the motion and I'll support it.

[English]

Hon. Tony Clement: Will we call the question?

The Chair: Hearing no more debate, all in favour of the motion? Opposed?

(Motion agreed to)

The Chair: Okay.

• (1540)

Mr. Nicola Di Iorio (Saint-Léonard—Saint-Michel, Lib.): Mr. Chair, I have a motion—

The Chair: Okay.

Mr. Nicola Di Iorio: —if I could just put my hands on it.

[Translation]

I'll read it.

The Chair: Wait a minute. I'll give a copy to the interpreters. It will be easier for them.

[English]

I like the drawer by which we can get documents to the interpreters. It's my first time in this room. It's quite exciting.

Mr. Nicola Di Iorio: Mr. Chair, apparently it was designed by the same architect who designs the banks around the country.

The Chair: Ah, the banks, yes. A night deposit.

[Translation]

Mr. Di Iorio, you have the floor.

Mr. Nicola Di Iorio: Thank you, Mr. Chair.

Here is the text of my motion:

That the Committee writes to the Minister of Justice regarding the important issues raised by Bill C-226, as well as the Committee's request that the government introduce comprehensive and robust legislation on the subject as soon as possible.

[English]

The Chair: Thank you.

[Translation]

Mr. Dubé, you have the floor.

Mr. Matthew Dubé: Mr. Chair, I want to understand the difference between this motion and what has already been adopted, in other words, the difference between the committee's proposal and the letter to the Minister of Justice. In any event, I have no problem with supporting the motion, given my colleague's experience with this issue. His motion is also entirely appropriate.

[English]

The Chair: I think it was for weight, the parliamentary report, as well as a letter to government.

Monsieur Di Iorio, you can comment.

[Translation]

Mr. Nicola Di Iorio: I understood that my colleague wanted to make a comment, which I accept, but that he didn't necessarily want a response.

Mr. Matthew Dubé: I just wanted to understand the difference between the recommendation and the letter, but I'm satisfied with the Chair's response.

Mr. Nicola Di Iorio: Okay.

Mr. Matthew Dubé: Thank you.

[English]

The Chair: Mr. Clement.

[Translation]

Hon. Tony Clement: I'm in favour of the motion and I want to support it.

[English]

The Chair: Ms. Watts, and Monsieur Arseneault.

Ms. Dianne L. Watts (South Surrey—White Rock, CPC): Thank you.

We saw the testimony when Bill C-226 came forward, in the comments around Mothers Against Drunk Driving, as well as the other group on victims' rights. It is mentioned here that this is comprehensive, robust legislation and that the important issues raised in Bill C-226 be incorporated into a report here.

Will we also be looking at including drugs? Given that the government is going forward with legalizing marijuana, not only marijuana but God knows what else, I think we would need to ensure that there's something in place as it relates to drugs as well.

Will that be incorporated in this? Is this the intention?

The Chair: I have Mr. Arseneault and Ms. Damoff, but if you would agree, Mr. Di Iorio could answer that question because I don't have an answer to that question.

Mr. Nicola Di Iorio: The motion does not make any distinction. It's a comprehensive motion. We want it to be robust and all-encompassing.

Ms. Dianne L. Watts: It says as it relates to the issues raised in Bill C-226. This was alcohol related, not drug related, so that's why I'm raising the issue.

Mr. Nicola Di Iorio: The motion that Mr. Picard raised does mention drugs or alcohol.

Mr. Nicola Di Iorio: If you look at the first line, it reads, "The Committee recognizes that impaired driving, either by drugs or alcohol". That's why I said it's comprehensive.

Impaired driving is impaired driving.

• (1545)

The Chair: I want to check with the analysts whether or not we did hear testimony on drugs. We might have had some questions about it, but I'm not sure we heard testimony on drugs.

No, we didn't hear that testimony, so that probably would not go into the letter that I would draft until we heard testimony on it.

Mr. Arseneault, and then Ms. Damoff.

[*Translation*]

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Mr. Chair, I have a question regarding the form and not the substance of the motion.

When our colleague, Mr. Di Iorio, read the motion, he said “That the Committee writes to the Minister of Justice...”. However, the French version provided states “That the Committee writes to the Department of Justice...”. The English version clearly refers to the Minister and not the Department of Justice.

I want to make sure that, pursuant to the motion, we'll indeed write to the Minister of Justice.

Mr. Nicola Di Iorio: I made the correction orally. We'll indeed write to the Minister.

[*English*]

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I have a really quick correction to make. The government is looking at legalizing marijuana and no other drugs.

That's all. I want to make sure the record reflects that.

The Chair: If there's no other discussion, I'm going to call the question.

(Motion agreed to)

The Chair: Okay, next.

Ms. Pam Damoff: I think what we have to deal with next should be dealt with in camera, so I'm going to move that we go in camera.

The Chair: All agreed with that?

Some hon. members: Agreed.

The Chair: The committee now moves in camera, which means that people will know who should be here.

[*Proceedings continue in camera*]

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