His Worship Fred Eisenberger  
Mayor  
City of Hamilton  
Hamilton City Centre  
230-77 James Street North  
Hamilton ON L8R 2K3

Dear Mr. Eisenberger:  

Thank you for your correspondence of June 13, 2008, in which you enclosed a copy of the report considered by the Hamilton City Council and a copy of the original resolution submitted by Durham Region, regarding impaired driving and the blood alcohol concentration (BAC) legal criminal threshold.

At the outset, I should note that deaths and injuries from alcohol-related crashes have been significantly reduced over the past 30 years through cooperative efforts in the areas of technology, enforcement, legislation and public awareness. However, as you point out, more needs to be done to prevent impaired driving.

It should be noted that Justice Canada has responsibility for the Criminal Code of Canada, and that lowering the current BAC legal threshold would fall within its area of responsibility. As such, I have taken the liberty of forwarding a copy of your correspondence to the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, for consideration.

Transport Canada works with provincial/territorial governments through the Canadian Council of Motor Transport Administrators (CCMTA) to pursue Road Safety Vision 2010 to have the world’s safest roads. A key element of the Vision is the Strategy to Reduce Impaired Driving.

The CCMTA has developed a model administrative program for low BAC drivers that can be consulted online at http://www.ccmta.ca. The model increases the roadside suspension period by up to seven days for a first offence, tracks a driver’s number of offences and imposes more strict sanctions for repeat offenders within a three-year period. While the model is less severe and resource intensive than before for a lesser offence, it clearly sends the message that impaired driving is unacceptable.
While all provinces and territories, except Quebec, have an administrative licence suspension program for lower BAC drivers, the model strengthens penalties and requires that the offence be recorded on a driver’s record.

A number of provinces, such as Prince Edward Island, Ontario and Saskatchewan, have been strengthening their roadside suspension programs for low BAC drivers.

The department partnered with Mothers Against Drunk Driving Canada to complete a survey of Canadians on issues related to impaired driving that was released in December 2007. There was limited support for lowering the legal criminal threshold, but support marginally increased when respondents learned the amount of drinks that would make a driver’s BAC exceed the current legal limit.

The Parliamentary Standing Committee on Justice and Human Rights has held hearings in order to improve the legislative response to impaired driving. The federal government is awaiting a report from the Committee on this matter. Justice Canada and Transport Canada are planning to host an impaired driving roundtable to discuss the Committee’s recommendations, as well as to promote science-based countermeasures.

You may be interested to learn that the Government of Canada recently passed Bill C-2, which increases penalties, reduces technical defences and outlines investigative procedures, regarding drug impaired driving.

I trust that the foregoing will be of assistance. Again, thank you for writing.

Yours truly,

[Signature]

The Honourable Lawrence Cannon, P.C., M.P.

c.c. The Honourable Rob Nicholson, P.C., Q.C., M.P.