

# View From the Hill

By Brent Rathgeber, MP  
Random Breath Testing



The federal government recently released a discussion paper summarizing the Justice Committee's review of the impaired driving laws, including whether to legislate random breath testing. The Committee recommended that Canada adopt this type of legislation, concluding that "current methods of enforcing the law lead police officers to apprehend only a small percentage of impaired drivers, even at roadside traffic stops". Similar legislation in Australia, New Zealand and 22 European countries has helped to significantly lower the number of impaired driving incidents.

While the government supports the report's recommendations, it is important that our provincial and territorial partners, who play a major role in enforcing impaired driving laws, are engaged in the process of further improving those laws. To that effect, the government is undertaking consultations with provincial, territorial and other stakeholder organizations. The consultation process is vital to ensure that improvements to impaired driving legislation will be made in an efficient, effective, and timely manner.

Critics of random breath testing are concerned that any future legislation could give police the power to detain drivers without reasonable grounds or suspicion. Currently, a Breathalyzer can only be administered if there is reasonable suspicion of drunk driving. Civil liberties experts contend that random breath testing is in violation of the Charter of Rights and Freedoms which protects Canadians against unreasonable search and seizure. Questions have also been raised about the "randomness" of random breath testing and the possibility it will lead to profiling.

What do you think? If you would like to discuss this issue with me, do not hesitate to contact me at 780-475-6906 or by email at [RathgB1@parl.gc.ca](mailto:RathgB1@parl.gc.ca).

To read the discussion paper, go to <http://www.justice.gc.ca/eng/cons/mtpcc-mdccmt/mtpcc.pdf>.