

Criminal Code

• (5:10 p.m.)

[Translation]

Mr. Jean-Charles Cantin (Parliamentary Secretary to the Minister of Justice): Mr. Speaker, I listened with interest to the remarks of the previous speaker, especially to the reasons for which the mover of the bill would like it to be referred to the committee on justice and legal affairs.

What surprises me more about my friends of the New Democratic party is that countless bills mostly inspired by the common law are put to the house. Indeed, the bill before us is another example of the difficulties my friends of the New Democratic party often have in distinguishing between what comes strictly under common law and what falls within the jurisdiction of the federal government. Of course, I realize that in Quebec we are used to making that distinction.

The spirit in which the bill is brought forward may be praiseworthy; however, I think that unfortunately the federal government is not competent to legislate in that field. I understand that the hon. member presented a similar bill in 1967; after being discussed for one hour, in October of the same year, it was killed for the reasons I have just mentioned.

I am afraid that the same thing will happen to the hon. member's new bill, and I wonder why he wants to come back with a bill such as this when primarily for jurisdictional reasons the department is not prepared to consider it.

Moreover, the hon. member should recognize that for several years, and more so this year, the Minister of Justice has been ready to refer for study to the justice and legal affairs committee all matters pertaining to a thorough modernization of each section of the Criminal Code. However, this is a matter which, in my opinion, does not come under the Criminal Code, or federal jurisdiction.

Of course, we would have liked to hear the hon. member give us some more specific examples to back up his contentions. In his bill, he refers more specifically to insurance contracts. Well, this matter comes under both commercial and civil law. This is good. As you know, every province has some insurance legislation and I can assure you that such contracts come under provincial legislation and not under any federal legislation.

In view of all this, Mr. Speaker, I am surprised that the hon. member persists in introducing this kind of bill. Of course he has a right to, but I think that basically these bills

[Mr. Cullen.]

simply give hon. members who wish to do so an opportunity to discuss all kinds of subjects, including the one just mentioned by the hon. member, during private members' hour.

Therefore, I am sorry that the subject matter of this bill cannot be referred to the Standing Committee on Justice and Legal Affairs which has now a tremendous backlog of work.

The hon. member is aware that soon the omnibus bill will be sent to the Standing Committee on Justice and Legal Affairs, as well as the bill on the Expropriation Act and the subject matter of some other bills introduced by members of the N.D.P. and the Liberal party. I mean the bill on wire-tapping. However, this committee is already overworked and I cannot see how it will be able to study the hon. member's bill.

I feel sorry not to be able to please the hon. member more and I am going to give someone else a chance as I must.

Mr. Paul-M. Gervais (Sherbrooke): Mr. Speaker, I am glad my turn has come to comment upon this bill, but unfortunately I cannot agree with it altogether.

As has been pointed out, there is some good in the legislation. However, what I realize, first, is that the hon. member who sponsors this bill would like to increase the volume of information. Instead of having clauses in small print as he says, we should have a bigger print, which would result in a more voluminous document and the alleged victim, who would have been deceived by reading that document too quickly, would be in the same position as if he had been deceived owing to the fact that, for instance, the insurance policy was in small print.

Besides, in the province of Quebec, any adult, that is to say anyone over 21, cannot claim injury. Voidance of a burdensome contract is allowed only in the case of persons under 21, provided the persons involved can prove that they have suffered injury.

In the present case, if a person over 21 accepts the conditions of a contract, I fail to see how, in all justice, the proposer of the contract can be accused of false representations or the equivalent of a criminal act.

• (5:20 p.m.)

Bill C-19 says and I quote:

—with intent to mislead—

Under those circumstances, I feel that the act already covers those cases. If a person is