

nervous reservations with respect to how broad an interpretation could be made of their bill, when actually it was supposed to focus on only one area.

The draftsmen of Bill S-11, which is amending legislation, seem to me to have diligently tried to focus on a particular problem, namely, the embarrassment of a legitimate embassy, one given recognition by Canada through its country of origin—I mean the embarrassment of such a legitimate embassy by a spurious embassy set up by a small group purporting to be legitimate. The draftsmen have pointed right at that problem.

I should like to point out one particular distinction between the Australian legislation and our bill. The Australian law focuses on the person as well as the physical property that would be bought by the spurious embassy. The Canadian bill focuses on the physical property of the so-called embassy. When I asked for some clarification on that point, I was told that we already have existing in the law of this country, in section 361 of the Criminal Code, a provision which precludes anyone from impersonating a legitimately appointed person from another country. Presumably, that would cover someone coming here and saying he is the ambassador from some country, or pretending to be attached to that country's embassy, when, in fact, he did not really represent the country at all and when, in fact, Canada had not approved the establishment of an embassy. Such a person could be charged under the Criminal Code.

I question whether it is really necessary to go through the process of using the Geneva conventions and amending a federal statute, which is what we are doing here, when we already have in existence in the Criminal Code a provision that makes personation with intent a crime. I leave that point as a question for the honourable sponsor of the bill to consider. It is one point I should like to have clarified, because there is little reason in having unnecessary legislation.

If the argument is raised that, well, there is still the actual, physical property and it is necessary to deal with it, despite the fact that anyone entering the premises to work, posing as a consul or ambassador, could be charged with personation with intent, my answer is that if a spurious embassy buys a house here and leaves it as an obviously vacant building, even if it has some kind of sign banging in the wind, it would look so ridiculous that people would laugh at it. In such a case, would we really need this particular amendment? In short, if by resorting to the Criminal Code we can get at the people who want to use the property in their personation with intent, what is the need for getting at the property itself?

Honourable senators, there is another important question which concerns the kind of offence we are dealing with. Should it be a criminal offence or merely a civil offence? The sensitivity of the Australian sponsor was such that he purposely went out of his way to make it a civil offence rather than a criminal offence. He did so because he did not want to see curbed the legitimate desire of people to express their dissent—whether it be towards the Government of Australia or the government of some other country. On the other hand, he did not want the embarrassment of legitimate embassies as a tool or ploy to be

allowed to continue. He therefore opted for a civil offence punishable by a fine of \$200.

For some reason, we in this country have decided that it must be a criminal offence punishable upon summary conviction, which is obviously more severe than a civil offence. I question the need to go that far and I would like to have an answer to that, either in committee or from the sponsor.

Another of my concerns stems from the fact that the city I come from draws some of its great strength and vitality from the multitude of ethnic halls and associations that exist there. We have a particular function called “caravan.”

Incidentally, I should like Senator Smith (Colchester) to make a tour of these halls with me. I am sure he would add to the vigour and excitement of the occasion, and would be delighted with the hospitality extended to him.

You might wonder what actually takes place on this “caravan.” The “caravan” organizes the various ethnic halls—the Estonian, Latvian, Lithuanian, Czechoslovakian, Ukrainian—

**Senator Bosa:** And Italian?

**Senator Thompson:** Yes, the Italian hall and, I know, too, the Irish hall. After all, I don't want to leave my own background out of the picture.

**An Hon. Senator:** What about the Scottish hall?

**Senator Thompson:** Yes, the Scottish hall, if there is one. If there isn't, there should be.

At any rate, to get into any of these halls you have to pay for a passport, after which you can visit, free, any one of them.

The point of these last remarks of mine, honourable senators, is that I wonder if, under this amending legislation, the department, if it wanted to, could close down this activity on the basis that these various halls are spurious in nature, or are misrepresentations of other countries. That is my concern, and because of it I phoned the department and was informed that they would, of course, act with discretion. Well, I am concerned about that, too, because section 4 of the act which this bill amends states that “The Governor in Council may make such regulations and orders as are necessary.” If Senator Forsey were with us, I could see him rising with respect to that to state, as was his wont, that the ultimate control must be with Parliament and not with a department.

● (1520)

I am sure the Department of External Affairs—I said some nice things about the department in my introductory remarks—appreciates that. It is our role to scrutinize everything they do, even with some suspicion, even though I am sure the department is serving our country as best it can.

I say that because there is another question that comes to mind. The explanatory note to clause 2 says:

The proposed new sections 5 to 9 would make it an offence to establish or continue the operation of purported embassies or consulates in Canada by persons not representing a sovereign state or a government recognized by Canada.