

Criminal Code

minister is making his explanation I wish he would consider pointing out very clearly to us how it is going to do that, and how the principles with which the librarians are concerned are not going to be affected by these alterations?

Mr. Frank Howard (Skeena): I wonder if I might make one very brief comment with respect to the bill before us, and upon what I consider to be a failure in the bill itself. I thought that the minister, with the assistance and guidance of the officials in his department, would have been able to come up with a provision in this particular bill that would give statutory clarification to some of the confusion in the act with regard to bingo games. I doubt if there is anything that is more confusing than what is in the minds of those who operate bingo games, the R.C.M. Police who are expected to enforce these sections in areas where they have jurisdiction, and the police court and stipendiary magistrates when cases of infraction of the Criminal Code as it relates to bingo games come before them.

I have discussed this question with a stipendiary magistrate, with an officer in the R.C.M. Police and a lawyer to determine what the rules are in so far as bingo games are concerned. Not one of them could give me a clear idea, and I would appreciate it if the minister would get some clarification of that section relating to bingo games.

Mr. Fulton: Is that all?

Mr. Howard: That is all.

Mr. Leon Crestohl (Cartier): I wanted to make some observations on the bill because I find that the amendments do carry some novelty. I find, for example, that the amendments propose something new in the Criminal Code and that is setting up a system of paying penalties on the instalment plan.

Mr. Fulton: That is not new.

Mr. Crestohl: It is not new, but the amendment is creating it in a form that will make it new. Certainly, it becomes novel. Of course, the courts have latitude now to allow a penalty to be paid with some delay. But to legislate directly a section in the code that will allow the payment of penalties on the instalment plan I think could encourage crime because offenders will know that they might not have to go to jail if delays are allowed under the amendment to pay those penalties. I do not want to go into detail at the present time in discussing the bill in its general form; we will be able to do that when we reach the particular clauses.

I also find in the bill a clause which introduces again something new, and that is a

clause dealing with offences committed on aircraft. When we reach that clause I imagine we will be able to discuss it in more detail, but I wonder whether the minister would explain before we finally get to the bill itself the origin of this clause and the question of jurisdiction in regard to it. The bill goes into some detail, but I think there could be very many improvements to the measure.

I also think that clauses 9 and 10 of the bill, which deal with some shifting of the burden of proof in offences where the male is not more to blame than the female, are very helpful and can be useful; but since there is a change in principle, would the minister be good enough to give the house the benefit of the reasoning of his officials or of the minister himself and what it was that motivated these changes in basic principles in our criminal law? It would be helpful to us when we come to the clauses if the minister would be good enough to tell the house the background of some of these innovations.

I do not want at the present time to go into the countless arguments which the minister must have already received and no doubt will continue to receive in defining "obscenity". I would prefer to leave my observations on that to when we reach the clause. Some of the definitions are very serious, but some of them can be very amusing. We were discussing a short while ago how the minister proposed to interpret the difference between an undue exploitation of sex and a due exploitation of sex. I would like to know which is which, when it is a due exploitation and when it is an undue exploitation. If the minister before we get into the clauses of the bill would give the house the benefit of some of the background to these innovations we would be most grateful.

(Translation):

Mr. Azellus Denis (St. Denis): Mr. Speaker, we are now discussing a bill which touches upon many sections of the Criminal Code. I wonder how we could discuss the principle of a bill with such a variety of topics. I wonder why we do not have a separate bill for each of the proposed amendments to the Criminal Code? The Minister of Justice (Mr. Fulton) might as well ask us to amend the Revised Statutes of Canada.

In my opinion, to streamline the procedure, he should have introduced a bill for each of the individual amendments instead of introducing a bill which touches upon so many subject matters of the Criminal Code.