

*Proceeds of Crime*

What we now have is a situation in which a person could be convicted of illegal drug trafficking, could have made an enormous amount of money out of this activity, could be convicted of the offence, served time in jail, came out and enjoyed the proceeds of the crime in circumstances in which the state has no right to attach the proceeds of that illicit activity and use the money for worth-while purposes such as public health, education and other important governmental objectives.

What happens is that we also in the same vein want to allow people who have a legitimate claim to come forward and make application to the court to establish that the moneys that are attempted to be seized by the provincial Attorney General are in fact property which should not be seized because it belongs to them. In our system, of course, there is an obligation to establish not beyond a reasonable doubt but on the basis of reasonable probabilities that there is a case for that person to make. It is always left in these circumstances for the court to hear the application. The discretion is there in the court to hear the application, by all means, but then if it is satisfied that there is a sufficient basis it will give an order.

I do not know whether there is anything accomplished by mandating every claimant, regardless of the merits of the case, to have their day in court to put forward this situation. I think that this balance is one which is understandable. It is consistent with the processes that we have in our Canadian judicial system. It allows an opportunity, a counterbalance, for legitimate third party interests to come forward and to apply to the court to have their cases heard.

I cannot say anything further. I will talk on third reading about this Bill which is, I think, a very good Bill which moves us forward in terms of fairness in the criminal justice system to allow the state to pursue and to discourage people who make large amounts of money out of illicit activity. I gave the example of drug trafficking.

This Bill is a good Bill. I wish I could be more accommodating to the Hon. Member with respect to her amendment. I think, on balance and reflection, she might agree with me that it might lead to unusual and unacceptable consequences for our judicial system. With the greatest of respect for the Hon. Member, I would like to indicate that we are not prepared to agree at this point in time.

**The Acting Speaker (Mrs. Champagne):** Is the House ready for the question?

**Some Hon. Members:** Question.

**The Acting Speaker (Mrs. Champagne):** Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** No.

**Mr. Cassidy:** On division.

**The Acting Speaker (Mrs. Champagne):** I declare the motion lost.

Motion No. 5 negatived.

• (1640)

[*Translation*]

**Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada)** moved:

Motion No. 10.

That Bill C-61 be amended in Clause 2 in the French version by striking out lines 2 and 3 at page 14 and substituting the following therefor:

«contrevenant à qui une amende est infligée en vertu du paragra-».

**The Acting Speaker (Mrs. Champagne):** Is it the pleasure of the House to adopt the motion? Debate. The Parliamentary Secretary.

**Mr. Richard Grisé (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council):** Madam Speaker . . .

**Some Hon. Members:** Hear, hear!

**Mr. Grisé:** I am sure my comments will be much shorter than the applause I just received, since this amendment, proposed by the Government, is merely aimed at bringing the term "amende" in the French version in line with the word "fine" in the English text in Clause 2, lines 2 and 3, at page 14.

[*English*]

**The Acting Speaker (Mrs. Champagne):** Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

Motion No. 10 agreed to.

[*Translation*]

**Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada)** moved:

That Bill C-61, An Act to amend the Criminal Code, the Food and Drugs Act and the Narcotic Control Act, be concurred in as amended.

**The Acting Speaker (Mrs. Champagne):** Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

Motion agreed to.

[*English*]

**The Acting Speaker (Mrs. Champagne):** When shall the Bill be read the third time? By leave, now?

**Some Hon. Members:** Agreed.

**Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada)** moved that the Bill be read the third time and passed.