

*Private Members' Business*

Most of us will also know that private bets between individuals who are not engaged in the business of betting are generally permitted. If I may offer a wager, I would wager that most members of this House participated in hockey pools during the recent Stanley Cup play-offs. Some of us will also have acquaintance with the permitted exception for paramutuel betting operated by race associations on horse races.

This latter permitted exception, as all members of the House will know, incorporates regulation by the federal Minister of Agriculture. These permitted exemptions notwithstanding, it is the permitted exemption for lottery schemes which has become the most well known form of gambling in Canada in recent years.

• (1340)

The Criminal Code creates a permitted exception to the prohibition against lotteries where a lottery scheme is directly operated by a province. As many of us will recall, in 1985 Parliament amended the Code to eliminate the permitted exception that had existed for the federal government to operate a lottery scheme.

Parliament has also enacted in the Criminal Code a permitted exception to the prohibition against lotteries where a province licenses a charitable or religious organization, the board of an annual fair or exhibition, or an operator of a concession, leased by a fair or exhibition board, to operate certain lottery schemes. These lottery schemes include bingos, certain types of casino games and what we would traditionally call a lottery or a draw. In very narrow circumstances, there is a permitted exception to the prohibition against lotteries where a province licenses an individual to conduct a lottery scheme. The cost of a chance to win in a licensed private lottery scheme must not exceed \$2, and the value of each prize must not exceed \$500.

It is only the permitted exception for a lottery scheme which is directly operated by a province that would be subject to the limitations in advertising contemplated in Bill C-255. If Parliament were to pass this bill into law, it would not affect any advertising that might be done for lotteries that are licensed by a province but which are not operated by a province. Should this bill pass, I fear that we would immediately throw the federal government into a pitched battle with the provinces. If it is passed,

any person who broadcasts, publishes or posts an advertisement for a lottery that is directly operated by a province, would commit a crime, with the exception of a person who posts an advertisement inside a retail establishment.

Bill C-255 would also apply to a person who causes these advertisements to be made. The crime would be a hybrid offence. That is, the Crown could elect to proceed by way of the more serious indictable offence, or it could prosecute the offence as a summary conviction offence.

One immediately thinks of the television, radio and print media as contemplated offenders. On a closer look, one might think of provincial government officials and ultimately one would have to think of elected provincial government leaders.

Given that the conduct of lotteries as a permitted exception to the Criminal Code's prohibition against gambling has emerged from federal-provincial consultations, one can expect that provinces would look to the bill as a direct and nefarious attack. Nor is it inconceivable that those members of the public who participate in provincially-operated lotteries would be perturbed by a paternalism that would deprive them of access to information concerning lotteries and prize offerings. Many persons would view this proposed legislation as an attack on freedom of speech that would be difficult to justify as a reasonable limit imposed by law under Section 1 of the Canadian Charter of Rights and Freedoms.

I would like to think that this bill is not a mean-spirited attempt to take a deep-cutting swipe at revenues generated by provinces. I remind all that provincial lottery revenues are often used to fund community and sporting organizations. It may well be that the thinking behind this bill centres upon those individuals who become addicted to gambling and suffer the personal, family and professional difficulties, including the commission of crime to finance gambling. I am not insensitive to these problems. However, if this is the thinking that has inspired the bill, it would seem to me that there are better ways to cope with these problems than by invoking society's strongest sanction, the criminal law penalty against the advertising of provincial lotteries. Such approaches would necessarily involve the provinces, academics and therapists in the treatment of gambling addiction.