

*Proceeds of Crime*

[Translation]

**Mr. Grisé:** Madam Speaker, on a point of order.

**The Acting Speaker (Mrs. Champagne):** The Parliamentary Secretary to the Deputy Prime Minister and President of the Privy Council (Mr. Grisé), on a point of order.

**Mr. Grisé:** Madam Speaker, after discussion among the various parties, I believe you will find there is unanimous consent for the Hon. Member for Hamilton Mountain to move the motion in the name of the Hon. Member for Burnaby.

[English]

**The Acting Speaker (Mrs. Champagne):** Is there unanimous consent?

**Some Hon. Members:** Agreed.

**Ms. Marion Dewar** (for Mr. Robinson) moved:

Motion No. 5

That Bill C-61 be amended in Clause 2 by striking out lines 36 and 37 and substituting the following therefor:

"judge shall require notice to be given to and shall upon request hear any persons who, in the".

She said: Madam Speaker, the purpose in asking for this amendment is that if a person has an interest in the property it should be not only a request but a demand that they be heard. That is all we are asking for. I certainly hope that the Government will agree to the amendment.

● (1630)

The other amendments which have been ruled out of order were ruled out of order because they were debated at committee. However, this one, as you have seen, Madam Speaker, and as you agree, is different enough that it would certainly make the Bill much more fair. The judge would have to hear anybody who has an interest in the property. I see the Minister nodding. I hope that the Government will agree to the amendment.

The amendments which were not allowed included references to bawdy houses and prostitution. Prostitution in this country is not illegal. If this type of recommendation were included, and the Fraser Committee report was very clear on what it would do, prostitutes would be put in the same category as victims of organized crime. If their property, which was acquired not as a result of organized crime but legally, is seized and they have not been heard, it seems important that they should be heard before there is an order put in on it.

I must admit that I am certainly not as familiar with the Bill as the Hon. Member for Burnaby (Mr. Robinson) who worked on it at committee. I apologize for that. But the measure made all sorts of sense to me and I believe that this is the type of amendment that helps to make the Bill more fair.

I will speak to the Bill as a whole after report stage is dealt with.

[Translation]

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

**The Acting Speaker (Mrs. Champagne):** The Parliamentary Secretary, on a point of order.

**Mr. Grisé:** Thank you Madam Speaker. The Hon. Member for Hamilton Mountain (Mrs. Dewar) is speaking to Motion No. 3, which the Chair has already ruled out of order.

**The Acting Speaker (Mrs. Champagne):** I will try to clarify the issue for the Parliamentary Secretary. It is true that in the case of Motion No. 5, the Chair's decision acknowledges there is a similarity with another amendment. However, the Chair found that there was nevertheless sufficient difference to allow Motion No. 5 to be moved again in the House.

The Minister of Justice (Mr. Hnatyshyn).

[English]

**Mr. Hnatyshyn:** Madam Speaker, I just want to spend a couple of minutes trying to deal with the motion which has been accepted by the Chair moved by the Hon. Member for Hamilton Mountain (Ms. Dewar) on behalf of the Hon. Member for Burnaby (Mr. Robinson).

This appears to be something which, if one were to use the logic that is put forward by the Hon. Member that it is something that is desirable, would mandate a court to take certain action, that is to say, hear people who claim to have an interest in property which is subject to deliberations before the court. However, one can understand, in terms of our judicial process, that these are questions, after all, that should be left to the courts to decide.

First, does the claimant have a sufficient *prima facie* basis upon which to have a hearing? Second, once that has been established, the court should have the discretion to determine the basis upon which the person claiming interest can be heard. It is up to the court, in the final analysis, to determine the merits of these cases.

If we were to put a mandatory provision such as has been suggested by the Hon. Member there would be absolutely no discretion. Anyone could walk in off the streets and say: "I have an interest in this matter" and would be able to take up the time of the court simply as a matter of right.

You point out in your ruling, Madam Speaker, that a similar matter was discussed in the course of the committee. In effect, it was voted down. But since there is some difference in the wording put forward by the Hon. Member today and because it is sufficiently different we are considering it.

We still think that this Bill in its present form, with the exception of an amendment that I want to put forward myself at report stage, achieves a reasonable balance in the interests of the state to pursue, to seize, to freeze and, in effect, to forfeit the proceeds of illicit activity. The whole function of the Bill is to allow us to overcome a situation which, on the face of it, to any Canadian looking at the present situation is absurd.