

Hate Propaganda

was circulated out of our motivation to be helpful. Since that is why the reprinted version was circulated, there is no reason for not modifying the amendments.

Mr. Woolliams: Mr. Speaker, with the greatest respect, I trust the government house leader can see the problem.

Mr. Macdonald (Rosedale): I can, indeed.

Mr. Woolliams: If many amendments have been suggested in the standing committee where the bill has been considered, then surely, if these amendments are to be logically and intelligently considered, copies of the bill should come before the House in good time.

Mr. Brewin: Mr. Speaker, speaking to the same point of order, may I say that I have not yet received the helpfully amended bill. I wonder where it is.

Mr. Speaker: Order, please. My understanding is that it should be in the hon. member's file. An additional copy will be sent to the hon. member immediately. I suggest the point raised by the hon. member is well taken. It complicates the work of hon. members when a bill which has been substantially amended is not distributed until the time when the bill is to be debated. I am advised that this bill was actually reprinted some days ago and it is difficult for the Chair to understand why it was not distributed earlier. My suggestion would be that perhaps the general policy should be established that any bill which is amended at the committee stage should be automatically reprinted so that it will be much easier for hon. members to consider the amendments when the bill comes before the House at the report stage and so that they know to which amendments reference is being made. If this procedure were adopted as a matter of policy by our committees, then there would not be the difficulty with which we are confronted today.

The point made by hon. members is worth considering and I will consult with the committee branch, with the clerk and the table officers, to see whether we can prevent a recurrence of this difficulty.

Mr. Hogarth: Mr. Speaker, just so that there is no misunderstanding with respect to what has been agreed, and certainly I agree with the sentiments expressed by my hon. friend, the relevant wording in the first para-

[Mr. Macdonald (Rosedale).]

graph as amended would read, "Everyone who publicly advocates or promotes genocide is guilty of an indictable offence...".

This bill has been before Parliament and the Senate on a good number of occasions, so to speak. It has been debated in the Senate and in the House and has received a very thorough going over before the Standing Committee on Justice and Legal Affairs. I think all of us are gravely concerned about the bill because it deals with one of the very fundamental things with which we in a democratic society are concerned, the right of our freedom of expression. It is regrettable, in a sense, that such legislation is even necessary in Canada today.

As the bill stands, it creates three substantive offences. The first of those is the one I have just mentioned and is contained in paragraph 267A. That provides that anyone who advocates genocide is guilty of an indictable offence and liable to imprisonment for five years. The second offence deals with a breach of the peace resulting from someone inciting hatred against a minority group in a public place, and the third offence is the one which deals with willfully promoting hatred in other than private conversations.

The penalties with respect to the three offences should be very carefully considered. First, the penalty dealing with the advocacy or promotion of genocide is up to five years imprisonment. It is to be specifically noted that this offence is solely an indictable one. The second offence, making statements with respect to hatred toward minority groups, is indictable and punishable by only two years imprisonment, or if the Crown so chooses, it can proceed by summary conviction in which case the penalty is much less. The maximum in that case is six months or a \$500 fine. The third offence created in this bill is one of willfully promoting hatred. Similarly, the Crown can proceed by indictment or summary conviction. The maximum penalty when proceeding by indictment is two years. Should the Crown prefer to proceed by way of summary conviction, the same provisions apply as to the second offence.

There is a distinct difference between the first, second and third offences. Where statements are related to the second and third offences, private conversations are excluded. There can be no prosecution for the second and third offences unless the advocacy of hatred takes place in a public place or other than in a private conversation. My concern is that in the first instance, where a person