With regard to drinking and driving, one feature of the amendments will allow police to conduct roadside screening and to take the drinking driver off the road before he causes an accident. Here I refer you to clauses 14, 15, 16, 17, 18. 20, 72, 85 and 102 of the bill. While the amendments provide for heavier maximum fines and longer maximum periods of detention than previously, there is also provision for the judge to grant a conditional discharge to allow the accused driver to undergo treatment and undertake a program for alcohol abuse.

Other amendments deal with bookmaking and operating a messenger service to place bets. I refer honourable senators to clauses 11 and 12 of the bill.

There is provision allowing interprovincial sale of cards or tickets of lottery schemes where authorized by agreements among provincial governments.

The practice of using telecommunication facilities in a way that avoids the charge for the use thereof has become more prevalent, and an amendment is proposed to deal with those who possess, manufacture or distribute the so-called "blackbox" which enables the user to avoid the usual attendant charge.

Amendments are proposed to provide greater protection to the victim, the complainant, where the charge is rape or related sexual offences, As we all know, in most cases such trials are an ordeal for the innocent victim. The amendments would prevent defence counsel from cross examining the victim as to her previous sexual conduct with other than the accused, unless defence counsel were able to convince the presiding judge that the interest of justice would be better served by allowing this line of questioning. Another measure designed to save the victim from embarrassment would allow the judge to exclude the public from the trial or any of the proceedings. A judge would be required to state his reasons if he did not exclude the public. Along the same lines, on request a judge shall make an order prohibiting the publication of the identity of the complainant.

A further amendment would require the judge to give reasons in writing for not granting a motion to change the place of trial. The victim in a rape trial or the trial of some other sexual offence deserves these simple protections, which, of course, in no way affect the presumption of innocence or any other possible defence.

At this time a judge presiding over a rape trial, or a trial in relation to any other sexual offence, must, in conformity with section 142 of the Criminal Code, warn or instruct the jury that it is not safe to find the accused guilty on the uncorroborated evidence of the complainant. Bill C-41 proposes that section 142 be repealed and that trials in relation to such charges be conducted on exactly the same basis as any other offence under the Criminal Code.

Numerous representations have been made in support of the proposed amendment, as well as some supporting the present state of the law. This amendment is proposed because it is felt that the warning is no longer necessary to ensure a fair trial for the accused. The test of guilt beyond a reasonable doubt applies to all other offences without technical legal requirements. The amendment is introduced because it is felt that our criminal justice system and our citizenry, from among whom juries are chosen, have reached a level of maturity and sophistication whereby evidence can properly be assessed without this warning.

Even without the corroboration requirement, evidence of a corroborative nature will usually be presented at a rape trial just as it is now presented in the trials of other criminal offences. It is rare, indeed, that any criminal case will proceed to trial solely on the basis of the complainant's testimony against that of the accused. But just as this possibility is not excluded in other criminal trials, nor should it be excluded in a rape trial.

The mandatory warning section presently goes on to say that in any case the jury is entitled to convict if it is satisfied beyond a reasonable doubt that the evidence of the victim is true. All juries are charged or instructed in these words, and it is this principle that affords the greatest protection for an accused, regardless of the charge or the method of trial he has chosen.

Because criminals use the borders of Canada and other countries to their advantage, because they employ international borders to protect themselves against the efforts of law enforcement agencies to put an end to their criminal activities, two measures are proposed in this bill to cover various fact situations. Here I refer to clause 29 of the bill. Firstly, it is proposed to make it an offence to knowingly possess the converted proceeds of an illegal act, whether committed in Canada or not. This amendment is directed at stopping the prevailing practice of committing a crime in one city or country and "laundering," so to speak, the proceeds of that crime by passing them through various front companies and even legitimate institutions, and perhaps converting them to some form of holding in another city or country. The proceeds of crimes are often traceable, but because they have been converted into some other form, no prosecution is presently possible.

The other provision, directed at deterring the activities of terrorist organizations and/or organized crime, is the proposal to make it an offence to conspire in Canada to commit an offence in any other country or to conspire outside Canada to commit an offence in this country. In this respect I refer to clause 36 of the bill. The need for these proposals has been shown time and again over the last few years with regard to the activities of large, foreign-based, so-called investment corporations that suddenly collapse, leaving the directors wealthy men while defrauding well-meaning Canadians of their investments. Similarly, the planning operations of various terrorist groups outside the country will be covered by this law if they direct their activities towards this country.

As a result of certain abuses which occurred with regard to the law concerning judicial interim release, commonly known as bail, this bill proposes a change in the principle presently applying, and here I refer to clause 47(1), (3), (4), (5) and (8), as well as to clauses 51, 52 and 53, of the bill.

● (1430)

At the present time a person accused of having committed a criminal offence must be released, either conditionally or unconditionally, unless the Crown establishes on a balance of probabilities that his detention is justified in the public interest. This bill sets out four situations where the onus is on the accused to satisfy the court that he should be released pending his trial.