

relating to illegal gambling. Honourable senators will remember that this chamber recently passed the Criminal Law Amendment Bill, C-150, generally known as the "omnibus bill," which provided for licensing arrangements with respect to lotteries under specific terms and conditions. The present bill constitutes a complete ban on off-track betting.

Honourable senators, if it is your wish, it is my intention, should this bill receive second reading, to move that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration, where more extensive legal and technical information will be provided.

If you wish, honourable senators, you have the opportunity of reading a statement made to the Standing Committee on Justice and Legal Affairs by the Minister of Justice. This statement was accompanied by a copy of the correspondence between himself and the attorneys general of all provinces, as well as a letter addressed to him by the Deputy Commissioner of the Royal Canadian Mounted Police who strongly supported the proposed amendment that is now before you. The Deputy Commissioner stated in his letter that since the decision in the Gruhl case there has been considerable activity by a number of persons with criminal records, and others who could be considered in the "fringe area" of crime, to establish off-track betting agencies across Canada. The Deputy Commissioner further stated that the consensus among the various chiefs of police and the R.C.M.P. was unequivocally opposed to off-track betting agencies.

The Deputy Commissioner was of the view that freedom of off-track betting agencies provide undesirable channels for infiltration of organized crime in our country. Honourable senators will assuredly agree with me that this proposed amendment is highly desirable for the purpose of making it a criminal offence to benefit by off-track messenger service or pari-mutuel messenger service. The Minister of Justice stated before the committee that the provincial authority had advised him that in the light of their experience they were satisfied that the messenger service is easily adaptable as a very effective channel for unlawful bookmaking and, therefore, is a lucrative form of criminal activity and a magnet for organized crime.

Hon. J. Campbell Haig: Honourable senators, I wish to advise the house that I will complete my remarks before 5.30 p.m.

Bill C-197, an act to amend the Criminal Code, was introduced in the House of Commons on May 22 last and was referred to the Standing Committee on Justice and Legal Affairs of that house on June 3 and 4, where a full discussion took place and a number of witnesses were heard. The bill was amended in committee and passed by the House of Commons on June 19 last.

In essence, this bill is designed to prevent the placing of bets on horse-race tracks by a messenger service system. The system works this way: you place your \$2 bet with a messenger, who is supposed to take it to the track and put it into the pari-mutuel at the track, for which he receives a fee. There was no suggestion as to how this could be controlled if the messenger either did not place the bet on the proper horse or did not place it at all. The key to this amendment is the commission that is received by the messenger.

As stated by the sponsor of the bill, in July 1967 in Ontario there was an enterprising group that instituted this service. There was a charge laid in magistrate's court under the Code, which was dismissed by the magistrate. Then the Crown appealed and lost; the Crown then appealed to the Supreme Court of Canada for a hearing, which was refused. So, the Crown lost three times.

Honourable senators, it is a cliché to say that betting on all sporting events is here to stay. From horse racing to dog racing, to Grey Cups—you name it—there will be bets placed. However, the attorneys general of Ontario, of Saskatchewan and of British Columbia requested that the Criminal Code be amended. The Minister of Justice held a conference with the 11 provincial attorneys general, and it is stated on page 1145 of the committee's report that the difficulty of obtaining a conviction, in terms of evidence, was that the burden of proof made it virtually impossible because the material, equipment and evidence found on the premises of a bookmaking establishment would be the same as that used by a messenger service.

There has been some opposition to this amendment. Basically, the opposition is to the effect that betting at the tracks on the pari-mutuel system is legal and, therefore, why restrict it to persons going out to the track to place their bets. However, there is a commission obtained by the messenger service, and it is not a case of taking a \$2 bill in a grocery store or at your office and taking it to a track. That is done every day, but there is no commission paid to the messenger in that case, and that is the reason for this amendment.