

Criminal Code

Mr. Knowles: Apparently clause 162 is directed against the peeping Tom and clause 159 is directed against Lady Godiva herself. However, before we leave this clause I wonder if I may be permitted to ask one more question with regard to clause 161, subsection (2) which reads:

Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.

Is there not likely to be a conflict between that and the circumstances covered by what I believe is known as Bill No. 38, which was passed this year by the Quebec legislature? If a peace officer in the province of Quebec, under the authority of that legislation, wilfully disturbed or interrupted an assemblage of persons met for religious worship, what would happen? For example, supposing such an officer disturbed or interrupted an assemblage of Jehovah's witnesses. What would happen then?

Mr. Garson: Why would an officer be interrupting or disturbing them?

Mr. Knowles: He might be interrupting or disturbing them in pursuance of his duty under that Quebec law, and at the same time he might run foul of this clause in the Criminal Code.

Mr. Garson: I am not too familiar with the provisions of the Quebec law, but I must say that offhand I cannot think of any circumstances under which, in carrying out the Quebec law, he would find such action necessary.

Mr. Ferguson: Does this law distinctly say that an officer has no right to interfere? Is that a federal law?

Mr. Garson: Yes, this is the law we are discussing.

Mr. Ferguson: Is it a fact, if this clause is passed, that under the federal law a peace officer will not have the right to interfere with a religious organization? According to the minister's interpretation, is that right or wrong? Let me have your interpretation of the laws you are drawing up. You are making them.

Mr. Garson: I am not.

Mr. Ferguson: I am asking the Minister of Justice for an interpretation.

Mr. Garson: It is very clear from the provisions we are considering here that the application of this subsection is confined to those who wilfully disturb or interrupt.

Whether I would apply that to a peace officer engaged in the discharge of his duty is another question entirely. I do not think—

Mr. Ferguson: It is this question. It is not another question.

Mr. Garson: I think I have the floor at the moment.

The Chairman: Order.

Mr. Garson: As I was saying, clause 161 (2) is confined in its application to those who wilfully—

The Chairman: May I remind the minister that we are discussing clause 162, not clause 161.

Mr. Garson: The question—

Mr. Knowles: Since I was allowed to go back the minister should also be allowed to do so, Mr. Chairman.

Mr. Garson: The essence of this present subsection is very clear. It is a case where a person comes in and wilfully, and in a sense maliciously, tries to break up a meeting.

Mr. Knowles: There is no reference to malice here, and I would suggest that the wilful breaking up of such an assembly might very well be the result of following the Quebec law. I am wondering if there is not a conflict between the two.

Mr. Ferguson: If an officer goes into a meeting to carry out his duties under the Quebec law and he thereby wilfully disturbs a religious assembly, is it against the federal law of Canada, or will it be against the law if this clause is passed? Yes or no?

Mr. Garson: I have already expressed the view—

Mr. Ferguson: You gave your views but you did not say whether he could be prosecuted. Can he be prosecuted, according to your interpretation of this law?

Mr. Garson: I think you would have to get legal advice on that.

Mr. Ferguson: We would have to go further than the Minister of Justice in order to get it, I am sure.

Mr. Ellis: Am I correct in understanding that there is nothing new in clause 161?

Mr. Garson: That is right. Clause 161, as I indicated previously, is a re-enactment of the substance of the present sections 199, 200, and 201. If the hon. member will look at the existing Criminal Code he will see that sections 199, 200 and 201 were in the Revised Statutes of 1927, so they have been the law