

has been long enough. I feel that the indications given in this matter by senators who have participated in this debate suggest to me that there is overwhelming support for this measure. There have been ten speeches made and seven of the speakers have given unqualified approval to the principle of the bill and have indicated that they would vote for it; the eighth gave a qualified approval, but said he was in favour of the principle; and the other two senators opposed it.

My training in the democratic process is relatively simple. It is this: once a deliberative assembly such as this has taken weeks, indeed months, to discuss a question of importance, it behooves that body then to make a decision. The worst that can happen to the Senate is either for the Leader of the Government himself on his own behalf, or for some other honourable senator through the initiative of the Leader of the Government, to bring about a protracted adjournment over long periods of time so that the Senate is unable to reach a decision. Now the Leader of the Government is in a position to speak officially for the Government, and obviously I am in no position to speak for the Government. But I have taken the trouble to discuss this question, and to discuss the question of the Senate generally with members of Parliament in private and with some of the honourable leaders' colleagues in the cabinet. I have the very distinct impression that they would like to see us do some things in this chamber, and I feel that this is one that they would be very happy if we were to express an opinion on. I know they are considering it in the other place. I believe that if the Senate passes this measure it will be an indication to the Parliament of Canada that the Senate itself is prepared to take this important step forward.

Therefore, Mr. Speaker, at this time I would ask you with great respect to call for the contents and non-contents.

The Hon. the Speaker: It is moved by honourable Senator Argue, seconded by honourable Senator Croll, that this bill be now read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Mr. Martin: Next sitting.

Motion agreed to.

29234—107

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Louis de G. Giguère moved the second reading of Bill C-197, to amend the Criminal Code.

He said: Honourable senators, Bill C-197 is a comparatively simple and short bill which would amend section 177 of the Criminal Code, providing for the addition of a new section 177(a)(1) reading as follows:

Every one who places or offers or agrees to place a bet on behalf of another person for a consideration paid or to be paid by or on behalf of that other person...

The purpose of the proposed amendment is to make it unlawful for a person to place or agree to place a bet on behalf of another person for a consideration, and it is particularly directed to prevent betting on horse races by making off-track betting facilities illegal.

Honourable senators, may I outline briefly why the Government felt justified in introducing this bill. Prior to 1967 it was generally believed and commonly accepted that it was unlawful to carry on an off-track messenger service or an off-track pari-mutuel service. In July 1967 Mr. Robert Gruhl of Welland, feeling that the Criminal Code did not prohibit an off-track messenger service, decided to operate such a service. He was charged with bookmaking and acquitted at trial. The Crown appealed to the Ontario Court of Appeal and the appeal was dismissed. In due course, the Attorney General of Ontario asked for leave to appeal to the Supreme Court of Canada, but such leave was denied. The purpose of this legislation is to overcome the consequences of the Gruhl judgment and to bring the law into line with what it was prior to this case coming before the courts. The amendment will surely have the effect of clarifying the situation.

Honourable senators will be interested to know that all the provincial attorneys general are unanimous in supporting the proposed amendment which will ban off-track betting. This is a good example of the excellent cooperation that can be achieved between the provinces and the federal Government.

The views of the attorneys general are pertinent and relevant in view of the fact that they are charged with the responsibility of enforcing the provisions of the Criminal Code