

[Translation]

SEIZED PROPERTY MANAGEMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jean-Claude Rivest moved the second reading of Bill C-123, respecting the management of certain property seized or restrained in connection with certain offences, the disposition of certain property on forfeiture thereof and the sharing of the proceeds of disposition therefrom in certain circumstances.

Honourable senators, I imagine all senators have understood this is a technical bill that will give the Government of Canada additional means to deal with crime, and especially with drug trafficking and the proceeds of these activities.

In 1991, Parliament passed legislation dealing with the proceeds of crime. The Canadian anti-drug strategy, launched in 1987 and renewed in March 1992 for another five-year period, admits that one of the best ways to deter drug traffickers is to make their business unprofitable. The proceeds of crime legislation is part and parcel of this strategy. Its purpose is to confiscate the profits of drug-related offences, which, as I said before, is an effective way to counter such activities. Attacking the potential profits of drug-trafficking acts as a deterrent to potential drug traffickers and is at the same time a well-deserved penalty for those who take part in this activity.

Honourable senators, these provisions, which were adopted by Parliament, have been used very little so far and need improvements. That is the purpose of the bill before us today, and there are two main reasons for this.

First of all, there has been an absence of an effective asset management regime pending the forfeiture of the seized assets. There is no administrative apparatus to supervise the management of these assets.

Second, there is a lack of co-operation by provincial and local police forces in investigating offences subject to the provisions of proceeds of crime legislation.

This particular bill would fill these two gaps in our current legislation. It would create a bureau within the Department of Supply and Services to manage seized, restrained and forfeited property.

Once the bureau has possession or control over the property seized or restrained in federally initiated prosecutions, it will have the power to manage it until the time the property is disposed of. This includes the advancing of money and any payments that may be necessary to maintain the ongoing operation of the property. It will also advise law enforcement agencies on the seizure or restraining of proceeds of crime.

Finally, the bureau to be created within the Department of Supply and Services would dispose of the confiscated property and administer the asset sharing program. The operations of this bureau would not generate any costs for the federal Treasury, since it would be part of the Department of Supply and Services and would be doing what the government does now with its not altogether adequate resources.

The second main component of this bill is the sharing of forfeited proceeds. This is, in fact, becoming an increasingly pressing issue, both in Canada and at the international level. In fact, provincial and local police forces are becoming increasingly reluctant to spend time and money on investigations connected with the proceeds of crime in support of federal prosecutions. Such investigations are generally very long and very costly.

Honourable senators, under present Canadian legislation, reciprocity is impossible and the purpose of the bill is to deal with this situation.

The proposed law would provide for a fair system to share the net proceeds from the disposal of confiscated goods with the governments responsible for the organizations that participated in the investigation which led to the confiscation. In the same way, proceeds could be shared with foreign governments whose legislation provides for a similar sharing program.

Finally, the bill makes changes to existing laws whereby provincial governments could dispose of the confiscated goods as they see fit. As we know, the provincial attorneys general take legal action for drugs seized as a result of investigations conducted by provincial or local police forces. It is a matter of applying to all provincial governments in Canada the system which already exists under administrative agreements between Quebec and the federal government and between New Brunswick and the federal government. This would be extended to all of Canada.

Honourable senators, that summarizes the main points of this bill. Thank you, and of course I urge you to adopt it.

On motion of Senator Lewis, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FORTY-FIFTH REPORT ADOPTED

The Senate proceeded to consideration of the Forty-Fifth Report of the Committee on Internal Economy, Budgets and Administration (Budget—Transport and Communications Committee), presented in the Senate on June 3, 1993.

Hon. Thérèse Lavoie-Roux: Honourable senators, I move the adoption of this report concerning the committee on Transport and Communications.