

Foreign Exchange Control

On section 59—Where offence deemed to have been committed.

Mr. HAZEN: Subsection 2 provides that any information or complaint with respect to any offence against the provisions of this act may, where the prosecution, suit or proceeding is instituted under the provisions of the criminal code relating to summary convictions, be laid or made within three years from the time when the matter of the information or complaint arose. Under the criminal code, in matters of summary conviction the information or complaint must be laid within six months.

Mr. ABBOTT: On summary conviction, yes.

Mr. HAZEN: Why is it deemed necessary in this case to extend the period to three years? As pointed out by the hon. member for Kamloops, a man may have a permit now but not three years hence. Why is the period extended for such a length of time?

Mr. ABBOTT: The reason is that a large number of exchange control offences are of such a nature that they are not ordinarily disclosed until a considerable time after the commission of the offence, and in the absence of this section, under those circumstances, prosecution by indictment would be necessary if a charge were laid more than six months after the offence had been committed. There are similar provisions in the Income War Tax Act, section 80, subsection 4, where the time is five years; in the Excise Act, section 121, two years, and in the Customs Act, section 277, where the time is three years.

Mr. HAZEN: Those all have to do with business enterprises.

Mr. ABBOTT: This has a lot to do with business enterprises.

Mr. HAZEN: The ordinary man will not keep his records for three years. There should be some provision to protect him and this section does not make it.

Section agreed to.

On section 60—Penalty—offences relating to property.

Mr. DIEFENBAKER: I do not know whether the minister has given any information in regard to the number of offences tried by way of summary conviction procedure in each of the last three years and the number tried by way of indictment.

[Mr. Castleden.]

Mr. ABBOTT: I have not a breakdown as between the two types of offences, but I have the totals:

Year	Convictions	Fines	Prison sentences
1940...	54	\$15,455	2 years—3 cases
1941...	114	39,511	9 months—4 cases
1942...	109	53,450	12 years and 3 months—5 cases
1943...	170	47,560	13½ years—6 cases
1944...	81	40,458	1 year and 2 months—2 cases
1945...	47	28,815	No prison sentences
From Jan. to April, 1946...	12	1,300	

The total fines were \$226,549.

Section agreed to.

On section 61—Property liable to forfeiture.

Mr. FULTON: I raise the same objection to this section as I did to section 58. This is a most important matter, and I will simply ask you, Mr. Chairman, to put the question in order that we may have a vote on the section. Before you do that, however, may I say that the principle is exactly the same as we discussed before. Since prosecutions, fines and convictions have been mentioned, I recall speaking with an enforcement officer under the wartime prices and trade board where there are many similar provisions shifting the onus of proof, and that officer boasted—well, I would not say that he boasted, I will simply say that he said: "After all, we are pretty careful before we bring any prosecution. We make sure that we have all the facts, and our record in the cases that we have prosecuted runs to about ninety-eight per cent guilty. That, I think, speaks for itself". The answer I made to him was to this effect: The reason may be one or both of two things. We will admit that you are careful about the way you bring prosecutions, but on the other hand the high level of convictions may mean that you frame the law in such a way that once you lay the charge, a man is automatically found guilty. I think it speaks more that way than it does the other.

Mr. BERTRAND (Laurier): Or it may be that the law is so just and the facts so clear that conviction necessarily follows.

Mr. FULTON: That might be too; but when you have all the burden of proof placed on the defendant, when you have a department having complete records and compare that with the businessman—and I am speaking of small storekeepers who engage in minor transactions, whose records are not as complete as those of the department and whose clerks