

[Translation]

Hon. André Ouellet (Minister of Consumer and Corporate Affairs) moved:

That Bill C-2, An Act to amend the Combines Investigation Act and the Bank Act and to repeal an Act to amend an Act to amend the Combines Investigation Act and the Criminal Code, be amended in Clause 15 by striking out lines 35 to 37 inclusive on page 27 thereof and substituting therefor the following:

"and is liable on conviction to imprisonment for five years."

[English]

● (2150)

Hon. Marcel Lambert (Edmonton West): Madam Speaker, this is precisely one of those areas in which I think the minister will agree with the amendment which I propose, which is in the following terms:

[Translation]

That Motion No. 8, as it appears on the order paper, be amended by adding, immediately after the word "years", the following:

" , or a fine at the Court's discretion, or both."

[English]

This is one of those cases where, following the amendment introduced by the minister, there has been a mandatory jail sentence following the indication of procedure by indictment. It is true that there is section 646 of the Criminal Code in which, for those who are initiated—and I do not classify myself among them in questions of the Criminal Code—a judge may have a discretion to impose a fine in lieu of the prison term if the penalty provided is five years.

Here I have particular concern for the constituents of the hon. member for Nickel Belt (Mr. Rodriguez). I have not so much concern for his geographical constituency, but for all of those small, ordinary people—and particularly for him—who do not understand the law. For those people there should appear in the very text of the law dealing with consumer affairs precisely what are the penalties. If the minister, as he has done, limits in the bill a mandatory five years in jail, those who read the bill will expect to see a jail sentence, and that that is all there is, whereas in fact a judge, since there is a provision for a maximum of five years in jail, can impose a fine and a lesser prison term, or he can impose both.

It is my purpose in introducing this amendment, and the minister agrees with me in this amendment and in six or seven others where we have the same problem, that we will have under the indictment procedure not only the same prison term, but a fine at the discretion of the court, or both. In fact—and this should please hon. members like the hon. member for Nickel Belt—under this particular provision not only is the individual concerned liable to five years in jail, but the court can fine him, whereas under the amendment of the minister there can be no fine. So there is the lesser penalty, and I have provided an alternative by having the court determine what shall be the penalty.

There is no way that I will accept that a bureaucrat, by determining what procedure shall be adopted, will determine that any Canadian citizen or resident shall go to jail. It is a travesty of justice under the Income Tax Act. It has its dubious origin in the Income Tax Act. We have seen it used with vindictiveness. We have seen it used with politi-

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cal vindictiveness. Here there is always an opportunity of amending what shall be the sentence arising out of what is determined to be a criminal offence.

Almost every day in our newspapers, almost every week, and certainly many times a year in this House we hear members complain about conditions in prisons, and yet almost every week those self same people will, by unwittingly and unknowingly passing legislation which they adopt in good faith, agree that more and more people shall go to jail. It is an exercise in a total lack of logic. This has happened time and time again under animal pesticide acts; under all sorts of administrative acts in this country there are provisions for people to go to jail. Why is it that they should go to jail? Even under the Criminal Code there are many offences where we could do much better than by sending people to jail.

Mr. Rodriguez: We could hang them.

Mr. Lambert (Edmonton West): I am fascinated by these facetious and, shall I say, irreverent and frankly vapid remarks coming from certain sectors in regard to this particular point, and all I say is that this House owes it to the public in Canada to see that we do not—

Mr. Blackburn: Multinational corporations?

Mr. Lambert (Edmonton West): Of course the multinational corporations go to jail. On that high note of silliness, Madam Speaker, may I call it ten o'clock?

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BUSINESS OF THE HOUSE

Mr. MacLean: Madam Speaker, on a point of order I would ask the government House leader if he is in a position to say what business the government intends to call for tomorrow.

Mr. Sharp: In view of the ruling made by Mr. Speaker today in which he said that it was his hope that Bill C-66 would be reprinted and ready for discussion tomorrow, that is the business which will be called.

Mr. Lambert (Edmonton West): Don't bank on it. Somebody else will make a mistake.

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

A motion to adjourn the House under Standing Order 40 deemed to have been moved.