

Mr. Mackasey: It simply involves the subject of universality. Teachers are no problem; they are identified as employees and they are included. Although we have been asked to bring in self-employed people, we have found it administratively impossible as a general rule. However, there can be exceptions. What the hon. member's amendment does is permit the Unemployment Insurance Commission, by regulation, to bring in particular groups of people where there is an administrative problem.

Mr. Knowles (Winnipeg North Centre): I wonder whether the member for Palliser (Mr. Schumacher), having stated his position, would not at least be willing for the amendments to be put to the House, realizing that that part of it takes unanimous consent. He could vote against it and perhaps speak against it again on third reading. I think there is a general desire among all parties that both these amendments, the one by the hon. member for Hamilton West (Mr. Alexander) and the one by the minister, be placed before the House.

Some hon. Members: Question.

Mr. Deputy Speaker: I must ask hon. members for consent to deal with the question in that way. It would seem that procedurally we should withdraw motion No. 3 proposed by the hon. member for Hamilton West (Mr. Alexander) and then put the amending motions. Would that appear to be the situation?

Some hon. Members: Agreed.

Mr. Deputy Speaker: Is it agreed that motion No. 3 as put yesterday is to be withdrawn?

Some hon. Members: Agreed.

Motion No. 3 (Mr. Alexander) withdrawn.

Mr. Deputy Speaker: The Minister of Labour (Mr. Mackasey) moves the following motion:

That Bill C-229 (reprinted as amended and reported by the Standing Committee on Labour, Manpower and Immigration) be amended

(a) by striking out line 32 on page 5 thereof and substituting therefor the following:

"thereto"

(b) by deleting line 35 on page 5 and substituting therefor the following:

"consent thereto; and"

(c) by adding immediately following paragraph (f) of sub-clause 1 of clause 4 on page 5, the following paragraph:

"(g) the tenure of an office as defined in the Canada Pension Plan".

Is it the pleasure of the House to adopt the said motion?

Motion (Mr. Mackasey) agreed to.

Mr. Deputy Speaker: Pursuant to the order made earlier today, the divisions which have been deferred at the report stage of this bill will be called at eight o'clock on Monday evening.

In accordance with the order made earlier today we will now proceed to private members' business.

Criminal Code

PRIVATE MEMBERS' PUBLIC BILLS

CRIMINAL CODE

PROVISION FOR REMOVAL OF OFFENCE OF VAGRANCY

Mr. Kenneth Robinson (Lakeshore) moved that Bill C-45, to amend the Criminal Code (vagrancy), be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, I first had the opportunity to present this private members bill on November 7, 1968. I was prompted, in part, to present such a bill by an article that appeared in the *Toronto Telegram* on October 24, 1968, entitled "Vagrancy charge threat scares off students Biafra Sleep-in" and also because as a lawyer I have on occasion acted as counsel for citizens charged with vagrancy, and as a social worker I looked into the problem to some extent when I was preparing my master's thesis some ten years ago.

I welcome this opportunity to bring before the House a matter that seems to me to require the close scrutiny of hon. members. I am not talking about a problem that has only recently arisen, nor am I speaking of a situation that necessarily requires an immediate remedy. What I am saying is that since the introduction of the original Criminal Code there has been perpetuated in successive statutes an offence that runs contrary to the best principles of criminal justice.

I would hope that if the members of the House do not see fit to support me in this motion, the Minister of Justice (Mr. Turner) might consider including the subject matter of this bill in the proposed omnibus bill on the Criminal Code to be introduced later in the session. I am of course referring to the crime of vagrancy as defined in section 164(1)(a) and (b) of the Criminal Code, which reads:

- (1) Every one commits vagrancy who
 - (a) not having any apparent means of support is found wandering abroad or trespassing and does not, when required, justify his presence in the place where he is found;
 - (b) begs from door to door or in a public place;

What you have just heard is a law which deals with individuals who have the misfortune to be poor and unemployed at a time when Canada has perhaps the greatest number of people unemployed in its history. Vagrancy is a crime of status which brands a convicted person as one who has failed to live up to the demands of society as far as pulling his own weight is concerned. Thus, vagrancy arrests serve our aesthetic sensibilities by removing temporarily an unsightly group of men from the streets. A conviction for vagrancy is punishment for conduct of the individual which in no way impinges on the rights or interests of others, and which has in no way been demonstrated to have anything more than the most tenuous connection with the prevention of crime and the preservation of public order.

In practice, vagrancy statutes today are used against (a) alcoholic derelicts and other unfortunates whose only crime, if any, is against themselves and whose main offence usually consists of their leaving the environs of