

*Criminal Code*

Consumer and Corporate Affairs (Mr. Basford), may I say it is not even a trading stamp of approval. In no way does it establish any lottery scheme under public auspices in this country.

**Mr. Knowles (Winnipeg North Centre):** It may not be a trading stamp of approval but it is a poor trade.

**Mr. Turner (Ottawa-Carleton):** Let us begin with the provinces. Sub-paragraph (b) of subsection (1) of the new section 179A, which is affected by the amendment, reads:

Notwithstanding any of the provisions of this part relating to gaming and betting, it shall be lawful

(a) for the Government of Canada to conduct and manage a lottery scheme in accordance with recommendations made by the Governor in Council and for that purpose for any person in accordance with such regulations to do anything described in any of the paragraphs (a) to (f) of subsection (1) or subsection (4) of section 179.

• (9:00 p.m.)

What does this mean? It means that the criminal law is withdrawn. It means that the government of a province would have to go before its legislature and get the approval of public opinion in the province. It would have to get the approval of the majority of the members, duly elected, of the provincial legislature. Only then, would a provincial lottery be established. All that this withdrawal of this type of lottery scheme from the criminal, the penal law means is that if a province is willing to face public opinion in the province and decides to introduce an enabling provision in the legislature of the province, then the provincial government takes upon itself before its own legislature the introduction of such legislation. Through its criminal law the federal government says: "That is your business. We are withdrawing from the field. We are giving you the option. You decide in terms of the opinion of your own people in the province whether you want a lottery scheme. If you do, the conditions that you attach to such scheme are a provincial matter".

This being the case, it seemed to the government logical that if the application of the criminal law to the establishment of a lottery is to be withdrawn in the provincial area it ought to be withdrawn in the federal field in the same fashion. So that the establishment of a lottery would become no longer a question of criminal law but of public policy, for which the government of the day would be responsible. May I say to you, Mr. Speaker, and through you to the members of the

house, that as far as I know the federal government at present has no intention of establishing a lottery scheme. We wanted the bill to be symmetrical.

The establishment of a lottery by a provincial government would be by provincial statute and would be without the criminal code. In the federal area such establishment would be by order in council, which would have to be proclaimed and would be subject to the usual confidence vote in the House of Commons. In any event, there is no present intention to enter that field.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** Would the minister permit a question. Would he explain to the house why members of the legislature would have some voice in determining the terms and conditions under which a provincial lottery would be conducted, whereas members of parliament would have no voice whatever in expressing their opinion with regard to the terms and conditions under which a federal lottery would be conducted?

**Mr. Turner (Ottawa-Carleton):** Because at the moment no provincial legislature has had the opportunity in any way of pronouncing itself upon the subject. As I say, an order in council would be subject to all the motions of want of confidence that are available to members of this house, and the government of the day would so govern and so limit.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** I do not think that answers the question. That would give hon. members the opportunity to vote either confidence or lack of confidence in the government but would not express any opinion on the terms and conditions under which a lottery should be conducted. Surely, that is an important item for those who might want to support a lottery, though I am not one. They would want the terms and conditions set out in the statute under which the lottery was to be operated.

**Mr. Turner (Ottawa-Carleton):** I suggest to the hon. member that a want of confidence motion in connection with such an order in council could go to the terms and conditions, as it could to the terms and conditions of any order in council.

**Mr. Andrew Brewin (Greenwood):** Mr. Speaker, notwithstanding what the Minister of Justice (Mr. Turner) has to say, I should like to rise to support the amendment proposed by my colleague the hon. member