

## Criminal Code

is concerned to apply for the supervision by representatives of this department. The fact that they have that supervision makes that kind of betting entirely legal; and protection is given to the public to the end that sufficient money will remain in the pool that is divided up among those who are betting on races to give the public a fair deal.

The whole intention is to put the racers and pacers under the same regulation as the runners. All that was submitted to the Department of Justice is just what is in the statement of the intent of the measure as it appears on page 2 of the bill. They concluded that the best way to do it was to repeal the section and rewrite it, rather than just to say that wherever certain terms appear, other terms are to apply. To have that kind of legislation they just repealed the section and rewrote it. The only new provisions are those which provide what we consider the means necessary to place exactly the same kind of supervision on pacers and trotters as we now have on runners.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Dion in the chair.

On section 1—*Exceptions.*

**Mr. Knowles:** Usually when bills are worded in such a way as to carry forward existing legislation, with the exception of certain precise changes, those changes are underlined in the printed copy of the bill placed before us. There seems to be no underlining in this bill. I take it from what the minister has said that if that were done it would simply be a case of underlining references to trotters and pacers; is that so? I realize that I am not too sure of what I am talking about in connection with this subject of racing.

**Mr. Gardiner:** As a matter of fact, that ran through my mind when I first saw the bill. I have been accustomed, as all hon. members have, to the underlining of changes. The explanation given me, which is obviously the proper explanation, was that this whole thing is the section written over again. By subsection 1 in the bill we wipe out subsections 2, 2(a), 2(b) and 3 of section 235 of the Criminal Code, chapter 36 of the Revised Statutes of Canada. Those sections are repealed, and other sections, as set out in the bill, are substituted therefor. Then we have written what to all intents and purposes is a new section.

There is no place at which we can underline the language and say that it is just changed. The same things have been written into a new section. I am told the reason for this is that this legislation was built up over

the years and it was somewhat difficult to interpret the phraseology which had been written into it from time to time by different persons. The Department of Justice thought it best to rewrite into the bill exactly the same meaning as was in the language of the old act. They tell me that has been done, and our own officials who are familiar with the matter say that it has been done.

The chief change appears in subsection (2) (d), at the bottom of the second page of the bill. That is the chief consideration that was given in the matter. I do not believe the committee would run into any difficulty if it were to pass these early sections and accept what I have said as the fact, namely, that they are the same as they were in the old act. We are not changing it. When we come down to including the pacers and trotters, we try to put them on the same basis as the runners.

**Mr. Knowles:** The minister suggests that there is no difficulty about passing the early sections. I would draw his attention to the fact that there is only one section in the bill, and that when that section is passed, that is all there is to it.

There are one or two points which I would bring to the attention of the minister, in the hope that he would clear them up. First, I have always thought that the Criminal Code came under the Department of Justice. In the present instance, however, the Minister of Agriculture is bringing in a bill to amend the Criminal Code. I could understand some other ministers getting out of their departments, but why should the Minister of Agriculture do that?

Then, the minister began to refer, before Mr. Speaker stopped him, to what was said in the other place. I do not wish to have the minister break the rule in that respect, but I would ask him what senator introduced the measure in the other place. I believe I am in order in asking that question. Did he do it on behalf of the government? Why did it come in through the Senate, rather than being introduced in the House of Commons?

**Mr. Gardiner:** Referring first to the last question, it is a matter of knowledge that it is rather difficult to keep the Senate moving along continuously with its work in the early part of the session, if everything is submitted first to this house.

**Mr. Knowles:** They have their divorces.

**Mr. Gardiner:** And there are some other people who have had divorces to deal with, too. This measure, along with a number of others, was sent to the Senate for the purpose of making some work available there. It was thought it was a matter which might