

At present, lotteries and games of chance or mixed chance and skill are, with limited exceptions, unlawful. Under the proposals in the Bill, it would be lawful for the Federal Government to conduct a lottery and for a provincial government to pass legislation enabling it to conduct a lottery either alone or in conjunction with one or more other provincial governments. The proposals would also enable provincial authorities to issue licences under which charitable and religious organizations would be authorized to conduct lotteries and games and under which agricultural fairs and exhibitions would no longer be restricted to lotteries and games conducted on the exhibition grounds.

Under a proposed amendment in the Bill, a person would be guilty of an offence if he drives a motor vehicle while the proportion of alcohol in his blood exceeds one tenth of one per cent. It would be compulsory for a driver to take a blood test when required to do so by a peace officer who has reasonable and probable grounds to believe that the person's ability to drive is impaired and it would be an offence for a person to fail or refuse without reasonable excuse to take a blood test when so required. It is also proposed that, where such blood test is taken within two hours of the alleged offence and the various conditions set out in the legislation relating to the taking of the test are complied with, the result of the test would be *prima facie* evidence of the proportion of alcohol in the driver's blood.

The Bill also contains provisions whereby therapeutic abortion would not be unlawful where the operation is carried out after the therapeutic abortion committee of an accredited hospital has certified that the continuation of the pregnancy would or would be likely to endanger the life or health of the female. Under the proposed amendments, the operation could be performed only by a duly qualified medical practitioner and only in an accredited hospital and the Minister of Health of a province would be entitled to information relating to the issue of a certificate and to the operation.

The Bill also contains a provision, the principal effect of which would be to remove from the ambit of the criminal law homosexual acts committed in private between two consenting adults.

Other significant changes proposed in the Bill relate to the publication of the evidence at preliminary enquiries, the procedure in the case where an accused person may be unfit to stand trial, the use of suspended sentence and probation, and certain new rights of appeal.

As noted earlier in this Section, an amendment was made to the Criminal Code in 1959 restricting the publication of an admission or confession at a preliminary inquiry. Under a proposal contained in the Bill, provision would be made whereby, on the application of the accused, the magistrate or justice holding a preliminary inquiry may make an order forbidding publication of *any* of the evidence until the accused has been discharged or, if he has been committed for trial, the trial has ended. Apart from such an order, of course, the present prohibition against publishing an admission or confession would remain.

At present, where there is reason to believe that the accused person is unfit on account of insanity to stand trial, the issue of his fitness to stand trial is decided as soon as it arises. If the court decides that the accused is not fit to stand trial, he is detained in custody at the pleasure of the Lieutenant-Governor. As the merits of the case against him are not tried, it is possible for an innocent person to be so detained. Under the proposed amendments, the court would have the power to postpone dealing with the issue of fitness to stand trial until after the prosecutor has presented his evidence. If the prosecutor's evidence is not sufficiently strong to make out a case, the accused would be acquitted and set free. If he required treatment for a mental condition, he would be dealt with under the applicable provincial mental health legislation instead of under the Criminal Code. In addition, in order to safeguard the rights of those persons who are found unfit to stand