

*Criminal Code*

before us. May I take a moment to read what Your Honour said, as found on page 7970 of *Hansard* for Friday, April 25. These were your words:

If we look at section 237, with its three subsections, we find that they are not, as I understand it, before the house at the present time except in a very indirect way and I cannot see how, by an amendment, the hon. member can attempt to alter or amend them. This is why with much regret I have to reach that decision in connection with Nos. 17 and 18.

Later Your Honour used the same argument as the basis for ruling out of order amendment No. 20. Having read what Your Honour said, I confess I agree with your ruling even though I might have argued the opposite side of the case had I taken part in that debate. However, since Your Honour ruled that we cannot by an amendment at the report stage go behind the bill then before us and introduce language that would change the basic statute, I submit that the present amendment should not be allowed. If this amendment were to carry the wording of the original statute would be changed, and it could not be otherwise. A change would be made at least in subsections 1 and 2 of section 237 of the Criminal Code. If that were not done we should have a totally new section 237 which would be nonsensical, without meaning and without any clarity at all. Somebody would have to make the changes, and the result would be that my hon. friend from Abitibi would have been permitted to effect changes to the basic act, a right that was denied the hon. member for Vancouver-Kingsway and the hon. member for Calgary North.

● (3:00 p.m.)

I realize there has been some frivolity about the amendment, but not all of the arguments of my hon. friends in the Ralliement Cr ditiste are frivolous by any means. Even though I disagree with them, I respect what they are trying to do in regard to this proposition. If they are called to order when I believe they are in order, I will again rise to their defence. In this case, however, I think they not only do their own cause harm but they are taking parliament for a ride by presenting a frivolous motion, and this should not happen. I admit I cannot find among our procedural authorities anything that says we cannot spend the day in frivolity, but there is a citation that says that we cannot move an amendment so framed that it is not consistent in itself, an amendment so framed that the

net result would be a proposition unintelligible and inconsistent.

For these two reasons, because of the inconsistency that would result and because of the fact that this amendment would, in effect, amend the basic statute, I believe Your Honour should find this amendment to be out of order.

[*Translation*]

**Mr. Andr  Fortin (Loitbini re):** I listened with great interest, Mr. Speaker, to the comments of the hon. member for Winnipeg North Centre (Mr. Knowles) and I should like to say that I certainly do not agree with him when he says that our debate is frivolous, that we are constantly out of order and that our remarks are vain.

With all due deference to you, Mr. Speaker, I think the hon. member's point of order might be procedurally valid in substance, when he says that the proposed amendment could give rise to problems in connection with the drafting of section 237 of the Criminal Code. But as to his point of order and his comments on the tremendous job done by the members of the Ralliement cr ditiste, I think that the hon. member for Winnipeg North Centre, who is very competent in procedural matters, is out of order himself.

Mr. Speaker, I think that the amendment moved by the member for Abitibi (Mr. Laprise) which tends to delete certain words in clause 18 of Bill C-150 is in order, as I said last night, since its purpose is to prevent inconsistencies, which is quite the opposite of what the member for Winnipeg North Centre was saying.

Even more—and I would like to emphasize this point in concluding—our ultimate and fundamental purpose is to avoid useless repetitions. Indeed, as I said last night, the word "female", for instance, in paragraph (a) of sub-section 4 of clause 18, which reads in part as follows:

—for the purpose of carrying out his intention to procure the miscarriage of a female person—

is unnecessary, for it goes without saying that a male person cannot be aborted.

My remark applies also to paragraph (b), and I quote:

—a female person who, being pregnant, permits a qualified medical practitioner—

It seems that the word "female" which appears almost every third line in clause 18, is absolutely useless.