

Criminal Code

Mr. John Burton (Regina East): Mr. Speaker, as I understand the principle of this amendment, it is to protect the position of people who may be involved with a request for an abortion, and to protect the position of those people who have a conscientious objection to carrying out abortions.

Amendment No. 21, which is before us at the present time, deals with the position of hospitals as institutions and also with the position of medical practitioners. On the basis of the rulings handed down by Your Honour on Friday, as set out in the Special Notice Paper, I note that consideration of amendment 21 will dispose of amendments 22, 23, 31, 39, 40 and 41. Several of these amendments which will be covered by amendment 21 make reference to the position of hospital staff and personnel and make some attempt to protect them. The point was noted on Friday when the procedural ruling was under discussion that in effect amendment 21 did not cover the hospital staff and personnel who were referred to, particularly in amendments 31, 41 and one other.

I am sorry that I did not hear all of the remarks of the Minister of Justice (Mr. Turner) with respect to why he maintained that there is no need for this amendment No. 21. I am not in a position to comment on his remarks with regard to this point. While there may be some cause for protecting hospitals as institutions and also medical practitioners who may have conscientious objections to carrying out a therapeutic abortion, there is a third class of people who are in a more vulnerable position than either hospitals or medical practitioners. I refer, of course, to hospital staff. These people have no protection under the law, either in terms of professional status or employment, if they have a conscientious objection to participating in a therapeutic abortion. I feel that complete coverage should be provided to all groups of people under the proposed law. And that there should also be reference to hospital staff. Consequently I move the following amendment, seconded by the hon. member for Surrey (Mr. Mather), who has agreed to second this amendment as a courtesy:

That the proposed subsection (8) be amended by adding thereto the following words: "or any member of a hospital staff to assist in procuring such miscarriage."

Mr. Turner (Ottawa-Carleton): I would like to make a few remarks regarding the admissibility of this amendment, Mr. Speaker. I wish to direct your attention to the new Standing Order. I think it is important for the

house to receive some guidance from Your Honour, particularly since this constitutes the first real test for the Standing Order affecting the report stage of a bill. I draw your attention to Standing Order 75 (5) which appears at page 80 of the new Standing Orders. It reads as follows:

If, not later than twenty-four hours prior to the consideration of a report stage, written notice is given of any motion to amend, delete, insert or restore any clause in a bill, it shall be printed on a notice paper.

● (4:10 p.m.)

It is in accordance with that rule that 44 amendments were set out on the notice paper. Then if we go on to Standing Order 75(8) we see that it reads as follows:

When the order of the day for the consideration of a report stage is called, any amendment of which notice has been given in accordance with section (5) of this order shall be open to debate and amendment.

As I read this Standing Order its purpose would seem to be to limit debate to those amendments of which notice has been properly given in accordance with Standing Order 75(5). I recognize that 75(8) says, "shall be open to debate and amendment". This seems to imply that an amendment to an amendment under 75(5), of which notice has been given and which has been placed on the order paper, may be in order. I would submit to Your Honour, however, that there is another part to this Standing Order, 75(7), which contemplates an amendment as to form only. It reads as follows:

An amendment, in relation to form only in a government bill, may be proposed by a Minister of the Crown without notice, but debate thereon may not be extended to the provisions of the clause or clauses to be amended.

Then there is the following note:

The purpose of the section is to facilitate the incorporation into a bill of amendments of a strictly consequential nature flowing from the acceptance of other amendments. No waiver of notice would be permitted in relation to any amendment which would change the intent of the bill, no matter how slightly, beyond the effect of the initial amendment.

My submission to Your Honour is that that note underlines the purpose of Standing Order 75, namely, that once all relevant amendments have been placed on the order paper, once the debate has begun under Standing Order 75(8), and once the Speaker has listened to argument in respect of admissibility and relevancy, the house is precluded from going beyond the scope of those amendments. The obvious reason is it would be open to hon.