

Criminal Code

because it makes reference to sections which are not in the bill at all. I submit to you, sir, that that is not the case in respect of amendment 18. I imagine the same would be true with regard to a later amendment but at this stage I limit myself to amendment 18.

The fact is that clause 18 of the bill starts out by saying that section 237 of the said act is amended in a certain way. I suggest to you that if the section is to be amended by the bill it is not going beyond the scope of the bill to say that the section it is proposed to amend in a certain way be repealed. This is what the proposed amendment does. Indeed, in looking at the clause in the bill and the proposed amendment of my colleague the hon. member for Vancouver-Kingsway (Mrs. MacInnis), it occurred to me that she could, I suppose, have worded her proposed amendment in this way; she could have said that clause 18 be amended by deleting all the words after the first line thereof and substituting therefor the word "repealed". I hope I am making myself clear. She could have left the first line of clause 18 entirely alone. Perhaps that might be better than the language she has used.

The hon. member could have put her amendment in the following form: That clause 18 be amended by deleting everything after the first line thereof and substituting therefor the word "repealed". This is precisely what her amendment does. I suggest to you, Mr. Speaker, that it would clearly be an amendment of the proposed amendment if she had used that language. In effect, this is exactly what her amendment proposes. It is an amendment to clause 18. Clause 18 proposes certain amendments to section 237 of the Criminal Code. My colleague says that is not the amendment which is desired and that the desired amendment is that section 237 be repealed.

I do not know whether I have persuaded Your Honour as I have been persuaded, but I should like to put to Your Honour with force the general suggestion, which I believe was made earlier in the debate, that there are four approaches to the particular problem with which we are dealing in regard to this list of amendments. There is the approach that what the Criminal Code now says should be left alone. There is the approach that what the Minister of Justice (Mr. Turner) has proposed is a good way to deal with this subject. There is the approach put by some hon. members that there ought to be no leeway at all in respect of abortion, and then

[Mr. Lewis.]

there is the approach represented by the amendment of my colleague the hon. member for Vancouver-Kingsway which is to the effect that the problem of abortion has no place in the Criminal law at all. I submit that all these are valid approaches to the problem from the legislative point of view and that the approach of the hon. lady that this matter has no place in the Criminal Code, which by the way I happen to support strongly, is an approach which ought to be placed before the members of this house for a vote so that they can declare themselves on that approach to the problem.

• (12:10 p.m.)

The first reason why I believe her amendment is valid is that it does not go beyond the scope of the bill because the bill does deal with section 237, and we could have worded the amendment in the way I have suggested. Had I known about it earlier I might have made the suggestion earlier, and then it would clearly be an amendment to the language of the proposed clause. The second reason is that it deals with a subject which ought to be considered by this house. Therefore I would urge Your Honour to reconsider your suggestion in respect of the wording of amendment No. 18.

As I have said, I can see no valid argument I might make in respect of amendment No. 17 inasmuch as it does include references to sections of the code not referred to in the amending bill.

Mrs. Grace MacInnis (Vancouver-Kingsway): Mr. Speaker, in view of the legal arguments that have been set forth so ably and clearly by my colleague, the hon. member for York South (Mr. Lewis), there are just one or two points I wish to emphasize. Before submitting amendment No. 17 I drafted two other versions in an attempt to put it in language which would be acceptable. On one previous occasion I made an attempt to put an amendment in language that might be acceptable. On this occasion I would be glad if the suggestion made by the hon. member for York South were accepted and the necessary changes were made to put this amendment into acceptable form.

It is very important that hon. members have an opportunity to express themselves as to the appropriate manner of dealing with this subject. Such an opportunity is not provided by any of the other amendments. One other matter that was before the house was handled by removing it from the Criminal