

Criminal Code

Mr. Fulton: I do refer Your Honour to the well understood rule that on second reading members must debate the principle of the bill and not the details. I suggest to you that my hon. friend, in discussing as he has the effect of one particular clause of the bill is entirely out of order on second reading. Otherwise—there are 37 clauses in the bill—we could have 37 separate debates on second reading and that would become absurd. We can have full debate and discussion in committee on this clause because, of course, I do not make the rules of the house and I could not stop it if I wanted to, and I do not want to stop it. I want a full debate but I want it relevant to the clause in question when I can give the answers. I do suggest to Your Honour that we should not have 37 separate debates on second reading.

Mr. Chevrier: May I speak to the point of order and say this in reply to what the Minister of Justice has just said? While it is true that on second reading the discussion must pertain to the principle of the bill, I ask the minister to state where there is any principle involved in these amendments to the Criminal Code. There are several amendments to the Criminal Code and they are entirely different in their nature and aspect, and if you want to adhere to the principle of the bill then you cannot do that. That rule of procedure cannot be put into effect at this time, and that is why the ruling you have made is quite correct and in order. It seems to me that the hon. member who has the floor or any other hon. members on this side of the house who desire to speak on any of these clauses have the right to do so now.

Mr. Fulton: That is quite wrong and that is exactly why on a bill of this type amending the Criminal Code there is a very limited debate on second reading and the debate is confined to the clauses.

Mr. Chevrier: What is the principle?

Mr. Fulton: My hon. friend will remember that when bills amending the Criminal Code have been before the house on any occasion he wishes to mention there has been a very limited debate on second reading and the discussion has been almost exclusively confined to the debate on the particular clauses in committee. I realize perfectly well that you cannot distil a principle out of a bill of this sort and that is why I think it is quite out of order for an hon. member to discuss the details of a clause as the hon. member for Port Arthur will be bound to do. I do not have in front of me the advisers of the government with all the details of the questions that my hon. friend will raise, to which I should like to give answers and

to which I am prepared to answer. It is a waste of the time of the house to try to have this debate on second reading. I am not trying to stop debate on the clause or on the merits of the situation which my hon. friend wants to discuss. All I say is, let us have it at the right time when we can have the debate with the best profit to all members who are here.

The Acting Speaker (Mr. McCleave): In looking over Bill No. C-58 I notice there are at least two sections and an addition to another section which deal with the matter of obscenity. I also notice that the procedure to be adopted is based upon a separate act of the British parliament. It seems to me that what we have here is a number of changes in the Criminal Code and that in dealing with obscenity something of relatively large scope is being introduced into the Criminal Code by way of amendment. I therefore have allowed the hon. member to continue. I would ask that his remarks be relevant to the bill and in general terms. The Minister of Justice is right that in dealing with these particular clauses we are dealing with them in general on the basis of principle rather than in the detail that is customary in committee.

Mr. Fisher: Mr. Speaker, the reason I want to speak is that I feel there is a principle involved here and I certainly gathered from the remarks the minister has made that he feels there is a principle involved.

Mr. Fulton: There are 37 separate principles.

Mr. Lennard: What is the matter? Are you going to be away next week?

Mr. Fisher: I am no more likely to be away than the hon. member.

Mr. Lennard: Oh, I probably will and I am asking the hon. member.

Mr. Howard: It will not make any difference whether or not you are.

Mr. Fraser: That is a stupid remark.

Mr. Lennard: From a stupid person.

Mr. Fisher: Censorship is something which changes with the times. I noticed in the remarks the minister has made in a couple of his public addresses that he is very much aware of that. In the speech he made to the Quebec union of municipalities on May 17 he emphasized that this is a problem that has been created by the modern situation, increased transportation facilities, increased wealth, cheaper methods of manufacturing, which are some of the by-products of progress. But despite the creation by modern times of this particular problem modern times have also created a different attitude toward some