

*Criminal Law Amendment, 1972*

It seems to me that too much discretion is left to the courts in such cases. I feel that a medical certificate is extremely important for the protection of the accused.

Let me again take the example of a mentally unbalanced woman who has killed her newborn child, and who is released without previous medical examination and brought before the court again 35 or 45 days later, when her physical condition may have changed. This would mean that the accused would not be able to allege that at the time the crime was committed she was mentally unbalanced or had other extenuating circumstances, with the result that she would suffer prejudice because of the oversight of the legislators who would have left such a big loophole in the legislation.

That is why I did not want to speak any longer. I think the point I am making is clear enough to all the hon. members. And in order to amend this clause of the bill, I should like to move, seconded by the hon. member for Shefford (M. Rondeau): That paragraph (a) of subclause (2.1) of clause 44, page 27, be deleted and that paragraph (b) be renumbered accordingly.

**The Acting Speaker (Mr. Laniel):** Order. The Chair would first point out to the hon. member that according to the practice and procedure in this House followed over the years, no amendment can be introduced unless it is in writing. In addition, I would remind hon. members that a motion for the third reading of the bill is now before the House and that according to our practice and procedure a bill cannot be amended unless it is referred to the committee with a request that it be amended as required. Otherwise, the hon. member could postpone third reading of the bill but I doubt that the amendment he now suggests—I cannot say “moves” because the Chair has not yet received a copy of it—would be acceptable in its present form.

**Mr. Fortin:** Mr. Speaker, I believe I have not made myself clear, or you have misunderstood me. You said that I did not send you a detailed explanation of my amendment because I know, as you do, that it is not the right time to move it. I wanted to make a positive contribution to the proceedings of the House and mention the changes which I think should be made. I am doing so by just explaining the amendment. I know that to amend it another amendment must be moved and the bill itself must be referred back to the committee for amendment. However, I should like the government members to be aware of the amendment that I should like to see made to the bill.

**Mr. Gilbert Rondeau (Shefford):** To my mind, this bill is very important—

[*English*]

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, I rise on a point of order. We agreed to sit beyond ten o'clock to hear the hon. member for Lotbinière (Mr. Fortin) complete his speech. I do not think we agreed to sit indefinitely. Perhaps the hon. member for Shefford (Mr. Rondeau) could tell us how long he intends to speak.

[*Mr. Fortin.*]

[*Translation*]

**Mr. Rondeau:** Mr. Speaker, I regret having to inform the hon. member for Winnipeg North Centre that when it was asked whether there was unanimous consent, I refused because I had some remarks to make. But I do not know why the Chair disregarded my objection to the unanimous consent and, under my privilege as a member, I think that I could make my remarks this evening, if the House allows me to do so, or later, if it does not.

[*English*]

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, I have no objection to the hon. member having time to make them, but I think tomorrow is a better day on which to make them than going on tonight.

**The Acting Speaker (Mr. Laniel):** Order, please. So far as the Chair is aware, unanimous agreement was given to going beyond ten o'clock, with no restriction. The hon. member for Shefford (Mr. Rondeau) says that he expressed a negative opinion regarding the extension of time, but he did not seek the floor to express that opinion. So as far as the Chair is concerned, unanimous consent has been given to going beyond ten o'clock, with no restriction. I put myself in the hands of the House as to how long this debate is to continue, but so far as the Chair is concerned, in my interpretation of the agreement I do not see how I can restrain the hon. member who is seeking the floor, from speaking.

**Mr. Knowles (Winnipeg North Centre):** I thought my understanding was clear, that the debate was to go beyond ten o'clock to hear the hon. member for Lotbinière; but if it is thought to have been something else, I will not stand in the way. However, I hope the hon. member will be brief.

[*Translation*]

**Mr. Rondeau:** Mr. Speaker, I do not intend to speak at length—

**The Acting Speaker (Mr. Laniel):** Order, please. I hope the hon. member will forgive me for interrupting him, but the hon. member for Saint John-Lancaster (Mr. Bell) is rising on a point of order.

[*English*]

**Mr. Bell:** Mr. Speaker, I merely wish to inquire as to the intention of the House with regard to the adjournment debate, because two members of our party are to take part in it and they are waiting. I do not know what great acceleration is needed for the passage of this bill, but may I inquire what is to happen to the “late show”? I might add that I do not think we should sit beyond 10.30 in any event, at least for the sake of the staff.

**The Acting Speaker (Mr. Laniel):** Order, please. So far as the Chair is concerned, I am available and unless the House wishes to dispense with the “late show,” it will go on. So I do not see any problem.

• (2210)

[*Translation*]

**Mr. Fortin:** Mr. Speaker, on a point of order. When I asked to be recognized, the only thing I said was, if you