

Criminal Code

hon. member for Shefford (Mr. Rondeau), you will observe that clause 18 was called into question. The amendment was to delete that clause from the Criminal Code bill. The hon. member is attempting to defeat clause 18 by postponing it indefinitely until the taking of the plebiscite. What the hon. member and the Creditiste party have failed to do directly, they are now attempting to do indirectly. I would submit to Your Honour that the decision on clause 18 has already been taken by this house.

Finally, Mr. Speaker, I suggest that no amendment, under the new rules or the old, and certainly not under Standing Order 75, subsections 5 and 8, can be admitted by Your Honour and put before the house if it goes beyond the scope of the original clause 18 or beyond the scope of the bill. I submit that calling for a plebiscite on the matter of abortion goes well beyond the clause as presently drafted, and goes well beyond the purpose of the Criminal Code bill itself.

For all three reasons, first of all that a plebiscite involves a financial obligation of the Crown; second, that the principle has already been decided by this house on the vote relating to amendment 19 at the report stage of the bill; and third, that the amendment goes beyond the scope of the clause and of the bill, I respectfully submit that the amendment should not be admitted for discussion by the house.

Mr. Olson: Mr. Speaker, in addition to the arguments advanced by the Minister of Justice (Mr. Turner) I would like to draw to Your Honour's attention one or two other authorities and citations you may wish to take into account when considering the admissibility of this amendment. Citation 406 of Beauchesne's fourth edition reads:

Amendments are out of order if they are (b) inconsistent with or contradictory to the bill as agreed to by the committee;

I would also draw Your Honour's attention to May's 17th edition, page 549. There, you will see a number of conditions which make amendments inadmissible. On the next page, under paragraph 6 May says:

Furthermore, an amendment may not be moved to insert words at the beginning of a clause with a view to bringing forward an alternative scheme to that contained in the clause, or to leave out the whole substance of a clause in order to insert different provisions—

I suggest that the hon. member for Témiscamingue (Mr. Caouette) is attempting to set [Mr. Turner (Ottawa-Carleton).]

up a whole new set of conditions in respect of the application of the clause to which he has referred. Therefore, he is trying to bring forward an alternative scheme to the one contained in the clause, and clearly that is out of order. Furthermore, I draw Your Honour's attention to paragraph 11 on page 551 of May's 17th edition, which reads:

Amendments to a bill proposing that an address or a resolution of one house of parliament should effect the repeal of the bill, or that the provisions of a bill should be subject to a referendum, have been ruled out of order—

Therefore, I submit that this amendment is quite clearly out of order. I think it is extremely clear that the amendment is out of order and I simply wanted to draw this to Your Honour's attention when you were considering whether to accept the amendment.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I have been hesitating about rising on this point of order.

Mr. Woolliams: Don't spoil your reputation, Stan.

Mr. Knowles (Winnipeg North Centre): I beg your pardon? Anyway, Mr. Speaker, perhaps my hesitation has been set aside by listening to the way in which the government has brought in its heavy artillery. When I first heard this amendment I, too, thought it was out of order. Perhaps I thought that because I just did not like the amendment; it seemed to me to call for something that is utterly ridiculous. But I am not sure that the arguments advanced by the other side of the house are water tight. I thought that this afternoon, of course, and lost; but perhaps if I now have some doubts I may get along a little better. I am not sure that this amendment is completely foreign to the provisions of the bill.

● (9:10 p.m.)

There is already in the bill clause 120 which reads:

This Act or any of the provisions of this Act shall come into force on a day or days to be fixed by proclamation.

We do not know when this bill or its various clauses will be brought into effect, and there is nothing to suggest that the bill will be brought into effect all at once. In fact, I am pretty sure this will not happen. It is possible there is some sense to the idea of saying to the Governor in Council that the abortion clause should not come into effect until after there has been a referendum or a