

Criminal Code

amendment here which would have the same effect as his previous amendment if it had been passed.

An hon. Member: Hogwash.

Mr. Woolliams: I hear an hon. member saying "hogwash". When we say things others disagree with, they retaliate by shouting hogwash. At any rate, the Crownsnest Pass decision is too recent to be included in Beauchesne. Nevertheless I ask Your Honour to look at *Hansard* to see what happened. In my opinion the Minister of Justice is right. Your Honour's ruling ought to be made after careful consideration; otherwise we may see at this stage a duplication of all the previous amendments moved, and even I could not stand that.

Mr. Douglas (Nanaimo-Cowichan-The Islands): I am very glad, Mr. Deputy Speaker, that you are proposing to consider this matter before making a final ruling and are going to confer with Mr. Speaker. The comments made by the hon. member for Calgary North really are not germane. He contended, as did the Minister of Justice, that the amendment proposed by the hon. member for Winnipeg North Centre has an effect exactly similar to that of the amendment of April 21. On that occasion the hon. member for Winnipeg North Centre sought to delete from clause 13 of the bill paragraphs (a) and (b) of subsection (1) of the proposed new section 179A. Let us examine paragraph (a). It seeks to do two things, the first being to remove a state lottery operated by the federal government from the strictures of the Criminal Code. Section 179 of the Code says that you cannot have a state lottery and that to have a state lottery would be a criminal offence. Paragraph (a) of new section 179A says that the federal government may operate a state lottery. The removal of that paragraph was the primary reason for the amendment which he moved on April 21.

But paragraph (a) also says that such a lottery can be set up by the federal government without their being any reference to parliament. In this instance my colleague from Winnipeg North Centre is not asking that the provision stating that the federal government may set up lotteries be struck out; he has accepted the expression of opinion of parliament on this matter. All he is asking in his amendment is that the second provision of paragraph (a), namely, that the federal government may set up such a lottery by Order in Council, be removed.

[Mr. Woolliams.]

One must remember that paragraph (a) has two parts and that the hon. member is submitting that only the second part having to do with the setting up of lotteries by Order in Council should be removed. He agrees that the whole question of whether lotteries shall be permitted has been considered by the house. We are not debating that part and the amendment does not seek to change that. It merely seeks to remove from the legislation a power that would enable the cabinet by Order in Council to set up lotteries without reference to parliament. I hope this distinction will be kept in mind when Your Honour is taking this matter under advisement.

Hon. H. A. Olson (Minister of Agriculture): Mr. Speaker, may I draw your attention to what I consider the central point here. No one, including the hon. member for Winnipeg North Centre, will disagree that any amendment which by its nature is repetitious or which revives something that has already been decided by the house is clearly out of order. Citations 200 and 415 of Beauchesne were referred to, as well as several others. The arguments seemed to be directed to the point of having the house reconsider something or revive something after it has made a decision.

● (5:10 p.m.)

Mr. Knowles (Winnipeg North Centre): Would the minister permit a question? I do not wish to deflect him. Would he not agree those citations do not really apply? We are in a new field. None of those citations was written after the introduction of the report stage. It does not change the hon. member's argument, but should not the point be noted?

Mr. Olson: I agree. I am sure the hon. member will also agree that the Speaker's rulings on a number of occasions since the new rules came into effect have been that no amendment is in order if it revives any subject matter upon which a decision has been made. This is still a fact whether one uses Beauchesne's fourth edition, the Standing Orders or any other authority.

I wish to deal with the other point briefly. When the house at the report stage made a decision to reject the amendment, specifically to reject the deletion of paragraphs (a) and (b) of subsection 1 of new section 179A, clause 13, that decision did in fact reinstate, if that is the right word, that law respecting lotteries in the Criminal Code. It will be part of the law of Canada. What the hon. member is now doing is attempting to prevent the operation